

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**  
UNITED STATES OF AMERICA, : 15-cr-00348-ERK-6  
:   
- versus - : U.S. Courthouse  
: Brooklyn, New York  
RENDON-REYES, et al., :   
Defendants : April 18, 2017  
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE VERA M. SCANLON  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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Proceedings

1 THE CLERK: Criminal Cause for a Change of Plea  
2 Hearing, case number 15-cr-348, United States v.  
3 Severiano Martinez-Rojas and Felix Rojas.

4 Spanish Interpreter, Rosa Olivera, previously  
5 sworn, present.

6 (INTERPRETER PREVIOUSLY SWORN)

7 THE CLERK: Counsel, can you please state your  
8 name for the record.

9 MS. MERKL: Taryn Merkl and Maggie Lee for the  
10 United States.

11 Good afternoon, your Honor.

12 THE COURT: Good afternoon.

13 MS. NEWMAN: Donna R. Newman on behalf of Mr.  
14 Rojas.

15 THE COURT: Is the mic working?

16 MS. NEWMAN: Sorry.

17 THE COURT: Yeah, there you go.

18 MS. NEWMAN: Is that better? Okay.

19 THE COURT: Much better, thanks.

20 MS. NEWMAN: Let me say that again, so that  
21 it's clear.

22 Donna R. Newman on behalf of Felix Rojas, who  
23 is seated next to me, your Honor.

24 THE COURT: Okay. Good afternoon.  
25

Proceedings

1 MR. WALLENSTEIN: And John Wallenstein for  
2 Severiano Martinez-Rojas, who is to my right, Judge.

3 THE COURT: All right. Good afternoon.  
4 And the Spanish Interpreters -- Spanish  
5 Interpreter, sorry.

6 THE INTERPRETER: There are two of us.

7 THE COURT: There are two of you. So how are  
8 we -- all right.

9 THE INTERPRETER: Rosa Olivera.

10 THE INTERPRETER: I'm James Santoria (ph.).

11 THE COURT: All right. Good afternoon.

12 THE INTERPRETER: Good afternoon.

13 THE COURT: Logistically, is this going to  
14 work? Each of the -- everybody needs to be able to speak  
15 into a microphone, so I don't know if it -- will it be  
16 you, Ms. Newman and the -- are you alternating or how are  
17 you doing it?

18 THE INTERPRETER: Yes, ma'am, we're  
19 alternating.

20 THE COURT: All right. Well, let's try it but  
21 just if you're close to a microphone, that would be  
22 helpful.

23 So for each defendant, I have the consent to  
24 have a plea taken before me, for each of them, I have a  
25 plea agreement that have been marked, Mr. Felix Rojas'

Proceedings

1 plea agreement as Government's Exhibit 4 and Mr.  
2 Martinez-Rojas' plea agreement as Government's Exhibit 5.

3 I have a copy of the indictment. It's the  
4 superseding indictment in this case in the Eastern  
5 District, as well as a copy of the first superseding  
6 indictment which was filed in the Northern District of  
7 Georgia in a case called United States of America v.  
8 Arturo Rojas-Coyoto (ph.).

9 I also have from the United States, a  
10 description of the statement of the statutes and  
11 essential elements of the statutes that apply in this  
12 case. All right. So does everybody have a copy of those  
13 documents as you need it for your respective client?

14 MR. WALLENSTEIN: Judge, do you have a copy of  
15 the Rule 20 transfer? Did I miss that?

16 MS. MERKL: She does not but I can provide a  
17 copy.

18 THE COURT: Okay. Thanks. All right. And for  
19 Mr. Martinez-Rojas, I have this consent to transfer case  
20 for plea and sentence. All right. So we'll go over that  
21 in a minute.

22 Is there any other paper that I should have?  
23 For the government, anything else?

24 MS. MERKL: No, your Honor.

25 THE COURT: And for any of the defendants?

Proceedings

1 MS. NEWMAN: No, your Honor.

2 MR. WALLENSTEIN: No, your Honor.

3 THE COURT: All right. So for the government,  
4 are there any victims of the offense and if so, has the  
5 government fulfilled its obligations to notify them of  
6 today's hearing and the right to attend the hearing?

7 MS. MERKL: There are victims of this case,  
8 your Honor, and yes our victim specialists have notified  
9 the victims.

10 THE COURT: And do you know if they have any  
11 intent to come here today?

12 MS. MERKL: It is our understanding that they  
13 do not.

14 THE COURT: Okay. Do you have any knowledge if  
15 they're going to participate in these proceedings as they  
16 go forward?

17 MS. MERKL: My understanding, your Honor, is  
18 that some of the victims intend to participate at the  
19 time of sentence.

20 THE COURT: Okay.

21 THE INTERPRETER: The interpreter requests that  
22 the government attorney speaks up because the interpreter  
23 cannot hear.

24 THE COURT: Okay. So why don't you move the  
25 microphone closer to you. Is the other one not working?

Proceedings

1 THE CLERK: They both work.

2 THE COURT: All right. So you could each have  
3 your own.

4 MS. MERKL: It's the government's understanding  
5 that the victims intend to participate at the time of  
6 sentence.

7 THE COURT: All right. So for each of the  
8 defendants, I am going to ask my deputy, Ms. Quinlan, to  
9 administer an oath to you.

10 S E V E R I A N O M A R T I N E Z - R O J A S ,

11 called as a witness, having been first duly sworn,  
12 was examined and testified as follows:

13 F E L I X R O J A S ,

14 called as a witness, having been first duly sworn,  
15 was examined and testified as follows:

16 THE COURT: All right. So I will explain in a  
17 little more detail as we go along but just so each of the  
18 defendants knows, much of the information that I am going  
19 to give you here today is the same for each of your  
20 respective cases and many of the questions that I am  
21 going to ask you are the same.

22 So at times I'll ask a question and ask each of  
23 you to answer in turn. There will be times where the  
24 question I am asking you or the information I am giving  
25 you is specific to your respective case. So if at any

Proceedings

1 time what I am saying is confusing and you need  
2 clarification, you can speak with your lawyer or you can  
3 ask me directly and I'll clarify what I have said.

4 All right. So as you may know, this case has  
5 been assigned to a district judge in this court, that's  
6 Judge Korman. Judge Korman is the judge who will make  
7 the ultimate decision as to whether to accept your guilty  
8 plea and if he does, to sentence you.

9 So you have the absolute right to have the  
10 district judge, Judge Korman, listen to your plea without  
11 any prejudice to you.

12 Do you understand? So let's start first, Mr.  
13 Felix Rojas.

14 DEFENDANT F. ROJAS: Yes.

15 THE COURT: And Mr. Martinez-Rojas?

16 DEFENDANT MARTINEZ-ROJAS: Yes.

17 THE COURT: All right. As you heard me  
18 earlier, I asked you and everyone else to use the  
19 microphones as you're giving me the answer. The reason  
20 we're doing that is because we're making a recording of  
21 today's proceeding. A transcript of the proceeding will  
22 be prepared by a court reporter and provided to the  
23 district judge, Judge Korman.

24 Judge Korman will review the transcript of  
25 today's proceeding in connection with deciding whether to

## Proceedings

1 accept your plea and if he does, with your sentence. I  
2 know I asked everyone to use the microphone. For most of  
3 you -- actually, the person we need the response on the  
4 microphone for is the translator's English translation of  
5 your answer. So I am going to ask her to use the  
6 microphone when she is providing information to me.

7 All right. So as I said, Judge Korman will  
8 read the transcript of today's proceeding and in  
9 connection with deciding whether to accept your plea and  
10 if he does, with your sentence.

11 So do you understand that? First, Mr. Felix  
12 Rojas? Do you understand?

13 DEFENDANT F. ROJAS: Yes, ma'am.

14 THE COURT: And Mr. Martinez-Rojas?

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: All right. As for each of you, do  
17 you wish to give up your right to have the district judge  
18 listen to your plea and instead proceed here before me  
19 here today?

20 DEFENDANT F. ROJAS: Yes.

21 DEFENDANT MARTINEZ-ROJAS: Yes.

22 THE COURT: All right. That was from Mr. F.  
23 Rojas and then Mr. Martinez-Rojas.

24 In connection with your exercise of that right,  
25 I have a form here that indicates that you've consented



Proceedings

1 to me, a magistrate judge, to hear your plea. So I am  
2 holding up the copy of the form for Mr. Felix Rojas. For  
3 each of you, was this form translated for you from  
4 English to Spanish?

5 DEFENDANT F. ROJAS: Yes, your Honor.

6 THE COURT: All right.

7 DEFENDANT MARTINEZ-ROJAS: Yes, your Honor.

8 THE COURT: So I am not sure I made it clear.  
9 Each of the defendants, you actually don't need to use  
10 the microphones when you're answering in Spanish. It's  
11 the interpreter who needs to be able to be closer to the  
12 microphone.

13 All right. So for each of you, do you  
14 understand what this form says?

15 DEFENDANT F. ROJAS: Yes.

16 THE COURT: And then Mr. Martinez-Rojas, do you  
17 understand?

18 DEFENDANT MARTINEZ-ROJAS: Yes.

19 THE COURT: Did you review this form with your  
20 attorney?

21 DEFENDANT F. ROJAS: Yes.

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: All right. And are each of you in  
24 agreement with what it says on your respective forms? So  
25 first Mr. Rojas?

Proceedings

1 DEFENDANT F. ROJAS: Yes, yes.

2 THE COURT: And Mr. Martinez-Rojas?

3 DEFENDANT MARTINEZ-ROJAS: Yes.

4 THE COURT: All right. So I am holding up the  
5 copy that's Mr. Felix Rojas' form and pointing to the  
6 first signature on the page.

7 Is that your signature, Mr. Rojas? Can you see  
8 it?

9 DEFENDANT F. ROJAS: Yes.

10 THE COURT: All right. Ms. Newman below that,  
11 is that your signature?

12 MS. NEWMAN: Yes, it is.

13 THE COURT: For the government, is that Ms. Lee  
14 or Ms. Merkl, I am not sure.

15 MS. MERKL: It's my signature, your Honor.

16 THE COURT: All right. And then for Mr.  
17 Martinez-Rojas, pointing to this signature here on the  
18 page, is that your signature?

19 DEFENDANT MARTINEZ-ROJAS: Yes.

20 THE COURT: And then Mr. Wallenstein, is that  
21 your signature below?

22 DEFENDANT MARTINEZ-ROJAS: It is, your Honor.

23 THE COURT: And then, Ms. Merkl, below that, is  
24 that your signature?

25 MS. MERKL: It is. Thank you very much, your

Proceedings

1 Honor.

2 THE COURT: All right. For each of the  
3 defendants, did you give your consent to proceed here  
4 before me today voluntarily and of your own free will?  
5 Mr. Rojas?

6 DEFENDANT F. ROJAS: Yes.

7 DEFENDANT MARTINEZ-ROJAS: Yes, yes.

8 THE COURT: All right. So that was answer from  
9 each defendant.

10 And has anyone made any threats or promises to  
11 you to get you to proceed before me here today?

12 DEFENDANT F. ROJAS: No.

13 DEFENDANT MARTINEZ-ROJAS: No.

14 THE COURT: All right. Each of the defendants  
15 said no.

16 All right. Additionally, for Mr. Martinez-  
17 Rojas, there's an additional form with regard to this  
18 case and this is the form that says you consent to  
19 transfer of the case, United States of America v.  
20 Severiano Martinez-Rojas for a plea and sentence. This  
21 is the case that was in the Northern District or is in  
22 the Northern District of Georgia in the Atlanta Division.

23 So I am holding up my copy of the form. Have  
24 you seen this form?

25 DEFENDANT MARTINEZ-ROJAS: Yes.

Proceedings

1 THE COURT: And was it translated for you from  
2 English to Spanish?

3 DEFENDANT MARTINEZ-ROJAS: Yes.

4 THE COURT: And do you understand this form?

5 DEFENDANT MARTINEZ-ROJAS: Yes.

6 THE COURT: And did you have a sufficient  
7 opportunity to review it with your attorney?

8 DEFENDANT MARTINEZ-ROJAS: Yes.

9 THE COURT: All right. I am going to point to  
10 the first signature. Is that your signature?

11 DEFENDANT MARTINEZ-ROJAS: Yes.

12 THE COURT: All right. Then Mr. Wallenstein,  
13 the third signature, is that yours?

14 MR. WALLENSTEIN: It is, your Honor, and the  
15 second signature on the witness line is that of Jose  
16 Carlos Venato (ph.), who is a certified court  
17 interpreter. He translated this document to Mr.  
18 Martinez-Rojas at MDC and he signed it at that time and  
19 we reviewed it together.

20 THE COURT: Okay. All right. There's a  
21 signature for the Assistant United States Attorney from  
22 Georgia and then I am going to hold this up for the  
23 government. So is that Ms. Rhode, the Acting U.S.  
24 Attorney's signature?

25 MS. MERKL: It is, your Honor.

Proceedings

1 THE COURT: Okay. All right. So we're going  
2 to proceed with this case with regard to the plea and  
3 sentence here in this Court.

4 So for each of the defendants, as we go along  
5 today, I am going to ask you a number of questions in  
6 order to assure myself and in turn, the district judge,  
7 that your plea is in fact a valid plea.

8 So as I said earlier, if you don't understand  
9 any of my questions, you can ask your attorney or you can  
10 let me know directly and I will try to clarify what I  
11 have said.

12 So for each of the defendants, do you  
13 understand that you have the right to be represented by  
14 an attorney at trial and at every other stage of the  
15 criminal proceedings including this one?

16 Mr. Rojas?

17 DEFENDANT F. ROJAS: Yes.

18 THE COURT: And Mr. Martinez-Rojas?

19 DEFENDANT MARTINEZ-ROJAS: Yes.

20 THE COURT: And each of you, do you understand  
21 that if you cannot afford an attorney, the Court would  
22 appoint an attorney for you?

23 Mr. Rojas?

24 DEFENDANT F. ROJAS: Yes.

25 THE COURT: And Mr. Martinez-Rojas?

Proceedings

1 DEFENDANT MARTINEZ-ROJAS: Yes.

2 THE COURT: All right. Ms. Newman, are you  
3 appointed counsel?

4 MS. NEWMAN: Yes, I am.

5 THE COURT: And Mr. Wallenstein, are you  
6 appointed counsel?

7 MR. WALLENSTEIN: Yes, ma'am, I am.

8 THE COURT: All right. For each of the  
9 defendants, if at any time you would like to speak with  
10 your respective attorney -- so, Mr. Rojas, it's Ms.  
11 Newman or Mr. Martinez-Rojas, Mr. Wallenstein, please let  
12 me know and I will let you do so.

13 Do you understand?

14 DEFENDANT F. ROJAS: Yes. Yes.

15 THE COURT: And Mr. Martinez-Rojas?

16 DEFENDANT MARTINEZ-ROJAS: Yes.

17 THE COURT: All right. I am going to remind  
18 you that earlier in today's proceeding, Ms. Quinlan  
19 administered an oath to you. And in that oath you swore  
20 to tell the truth. So that means that if you answer any  
21 of my questions falsely, those answers may later be used  
22 against you in a separate prosecution by the U.S.  
23 government for the crimes of perjury or of making a false  
24 statement.

25 Do you understand that? Mr. Rojas?

Proceedings

1 DEFENDANT F. ROJAS: Yes.

2 THE COURT: And Mr. Martinez-Rojas?

3 DEFENDANT MARTINEZ-ROJAS: Yes.

4 THE COURT: All right. So now we're at a stage  
5 where I'm going to ask you some background information.  
6 What I am going to do is go through the questions first  
7 with Mr. Felix Rojas and then I am going to ask Mr.  
8 Martinez-Rojas the same questions.

9 So, Mr. Felix Rojas, for the record, what is  
10 your full name?

11 DEFENDANT F. ROJAS: Felix Rojas.

12 THE COURT: And how old are you?

13 DEFENDANT F. ROJAS: 47.

14 THE COURT: And what's the highest level of  
15 education that you have achieved?

16 DEFENDANT F. ROJAS: Secondary school.

17 THE COURT: All right. Is that high school?

18 DEFENDANT F. ROJAS: Yes.

19 THE COURT: And how old were you when you  
20 finished school?

21 DEFENDANT F. ROJAS: Fifteen.

22 THE COURT: And where did you finish school?

23 DEFENDANT F. ROJAS: In San Miguel Tenancingo  
24 Tlaxcala, Mexico.

25 THE COURT: Okay. And what was the name of the

Proceedings

1 school?

2 DEFENDANT F. ROJAS: Benito Juarez.

3 THE COURT: All right. And since you were  
4 fifteen, have you had any formal education?

5 DEFENDANT F. ROJAS: No.

6 THE COURT: All right. Are you presently or  
7 have you recently been under the care of a doctor?

8 DEFENDANT F. ROJAS: No.

9 THE COURT: Are you presently or have you  
10 recently been under the care of any mental health  
11 professional such as a psychologist, psychiatrist, social  
12 worker?

13 DEFENDANT F. ROJAS: No.

14 THE COURT: Have you ever been hospitalized or  
15 treated for any mental illness?

16 DEFENDANT F. ROJAS: None.

17 THE COURT: Have you ever been hospitalized or  
18 treated for any addiction to drugs or alcohol?

19 DEFENDANT F. ROJAS: No, no.

20 THE COURT: In the past 24 hours, have you  
21 consumed any alcohol?

22 DEFENDANT F. ROJAS: No.

23 THE COURT: In the past 24 hours, have you  
24 consumed any narcotic drugs?

25 DEFENDANT F. ROJAS: No.



Proceedings

1 DEFENDANT F. ROJAS: No.

2 THE COURT: In the past 24 hours, have you  
3 taken any medications?

4 DEFENDANT F. ROJAS: No.

5 THE COURT: Is your mind clear as you sit here  
6 today?

7 DEFENDANT F. ROJAS: Yes.

8 THE COURT: Do you understand these  
9 proceedings?

10 DEFENDANT F. ROJAS: Yes.

11 THE COURT: All right. I am going to now ask  
12 the same questions for Mr. Martinez Rojas.

13 For the record, what's your full name?

14 DEFENDANT MARTINEZ-ROJAS: Severiano Martinez-  
15 Rojas.

16 THE COURT: And how old are you?

17 DEFENDANT F. ROJAS: 52.

18 THE COURT: What's the highest level of  
19 education that you've completed?

20 DEFENDANT MARTINEZ-ROJAS: Elementary school.

21 THE COURT: And how hold were you when you  
22 finished school?

23 DEFENDANT MARTINEZ-ROJAS: Thirteen.

24 THE COURT: And where did you go to school?

25 DEFENDANT MARTINEZ-ROJAS: In San Miguel

Proceedings

1 Tenancingo Tlaxcala.

2 THE COURT: And that's in Mexico?

3 DEFENDANT MARTINEZ-ROJAS: Mexico, yes.

4 THE COURT: And what was the name of the  
5 school?

6 DEFENDANT MARTINEZ-ROJAS: Escuela Benito  
7 Juarez (ph.).

8 THE COURT: Okay. And since you were thirteen,  
9 have you had any formal education?

10 DEFENDANT MARTINEZ-ROJAS: No.

11 THE COURT: All right. Are you presently or  
12 have you recently been under the care of a doctor?

13 DEFENDANT MARTINEZ-ROJAS: No.

14 THE COURT: Are you presently or have you  
15 recently been under the care of any mental health  
16 professional, such as a psychiatrist, psychologist or  
17 social worker?

18 DEFENDANT MARTINEZ-ROJAS: No.

19 THE COURT: Have you ever been hospitalized or  
20 treated for a mental illness?

21 DEFENDANT MARTINEZ-ROJAS: No.

22 THE COURT: Have you ever been hospitalized or  
23 treated for an addiction to drugs or alcohol?

24 DEFENDANT MARTINEZ-ROJAS: No.

25 THE COURT: In the past 24 hours, have you

Proceedings

1 consumed any alcohol?

2 DEFENDANT MARTINEZ-ROJAS: No.

3 THE COURT: In the past 24 hours, have you  
4 consumed any narcotic drugs?

5 DEFENDANT MARTINEZ-ROJAS: No.

6 THE COURT: And in the past 24 hours, have you  
7 consumed any medications?

8 DEFENDANT MARTINEZ-ROJAS: No.

9 THE COURT: Is your mind clear as you sit here  
10 today?

11 DEFENDANT MARTINEZ-ROJAS: Yes.

12 THE COURT: And do you understand these  
13 proceedings?

14 DEFENDANT MARTINEZ-ROJAS: Yes.

15 THE COURT: All right. I am going ask your  
16 lawyers a few questions.

17 So with regard to Ms. Newman, Mr. Martinez-  
18 Rojas, have you discussed this matter with your client?

19 MS. NEWMAN: Yes, I have.

20 THE COURT: All right. Do you speak Spanish or  
21 have you had the assistance of an interpreter?

22 MS. NEWMAN: Had the assistance of an  
23 interpreter.

24 THE COURT: And have you had any difficulty  
25 communicating with your client?

Proceedings

1 MS. NEWMAN: No.

2 THE COURT: In your opinion, is Mr. Rojas  
3 capable of understanding these proceedings?

4 MS. NEWMAN: Yes.

5 THE COURT: And in your opinion, does he  
6 understand the rights he'll be waiving if he decides to  
7 go ahead with his guilty plea?

8 MS. NEWMAN: Yes.

9 THE COURT: And do you have any doubt as to his  
10 competence to plead at this time?

11 MS. NEWMAN: No, I do not.

12 THE COURT: Did you discussed with him the  
13 possible sentence and consequences of his guilty plea?

14 MS. NEWMAN: Yes, I have.

15 THE COURT: Did you discuss with him the  
16 operation of sentencing guidelines?

17 MS. NEWMAN: Yes, I have.

18 THE COURT: All right. And did you discuss  
19 with him the minimum terms of imprisonment?

20 MS. NEWMAN: Yes.

21 THE COURT: Okay. All right.

22 And Mr. Wallenstein, with regard to your  
23 client, Mr. Martinez-Rojas, I am going to ask you the  
24 same questions. Have you discussed this matter with your  
25 client?

Proceedings

1 MR. WALLENSTEIN: Yes, I have.

2 THE COURT: Do you speak Spanish or have you  
3 had the assistance of an interpreter?

4 MR. WALLENSTEIN: I had the assistance of a  
5 certified interpreter on each occasion when we met.

6 THE COURT: All right. And have you had any  
7 difficulty communicating with your client?

8 MR. WALLENSTEIN: No.

9 THE COURT: In your opinion, is Mr. Martinez-  
10 Rojas capable of understanding the nature of these  
11 proceedings?

12 MR. WALLENSTEIN: Absolutely.

13 THE COURT: In your opinion, does he understand  
14 the rights he will be waiving if he decides to go ahead  
15 with his guilty plea?

16 MR. WALLENSTEIN: He does and I have explained  
17 them to him thoroughly.

18 THE COURT: And in your opinion -- well, do you  
19 have any doubt as to his competence to plead at this  
20 time?

21 MR. WALLENSTEIN: No.

22 THE COURT: And I am going to ask you, although  
23 I believe you touched on this answer anyway, have you  
24 explained to him the possible sentencing consequences of  
25 a guilty plea?

Proceedings

1 MR. WALLENSTEIN: Yes, I have.

2 THE COURT: Have you discussed with him the  
3 operation of the sentencing guidelines?

4 MR. WALLENSTEIN: Yes, I have.

5 THE COURT: Have you discussed with him the  
6 mandatory minimum sentence that the Court must impose?

7 MR. WALLENSTEIN: I have.

8 THE COURT: All right. Coming back to each of  
9 the defendants, I am going to ask you some other  
10 questions.

11 So each of you, have you had a sufficient  
12 opportunity to discuss your case with your attorney? So  
13 for Mr. Rojas?

14 DEFENDANT F. ROJAS: Yes.

15 THE COURT: And Mr. Martinez-Rojas?

16 DEFENDANT MARTINEZ-ROJAS: Yes.

17 THE COURT: And have you had in each of the  
18 opportunities when you spoke with your attorney, have you  
19 had the assistance of a Spanish language interpreter?

20 Mr. Rojas?

21 DEFENDANT F. ROJAS: Yes.

22 THE COURT: Mr. Martinez-Rojas?

23 DEFENDANT MARTINEZ-ROJAS: Yes.

24 THE COURT: Have you had any difficulty  
25 communicating with your attorneys?

Proceedings

1 DEFENDANT F. ROJAS: No.

2 DEFENDANT MARTINEZ-ROJAS: No.

3 THE COURT: Each of you, are you fully  
4 satisfied with the representation and advice given to you  
5 in this case by your attorney?

6 DEFENDANT F. ROJAS: Yes.

7 DEFENDANT MARTINEZ-ROJAS: Yes.

8 THE COURT: Okay. And also, Mr. Martinez-  
9 Rojas, are you satisfied with the legal representation  
10 and advice given to you in your case from Georgia?

11 DEFENDANT MARTINEZ-ROJAS: Yes.

12 THE COURT: All right. For each of the  
13 defendants, have you received a copy of the indictment in  
14 this case? I am just going to hold up my copy.

15 DEFENDANT F. ROJAS: Yes.

16 DEFENDANT MARTINEZ-ROJAS: Yes.

17 THE COURT: This is the thick document that  
18 describes the charges. All right.

19 And additionally, for Mr. Martinez-Rojas, have  
20 you received a copy of the first superseding indictment  
21 from the case in the Northern District of Georgia?

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: All right. For each of the  
24 defendants, were the various indictments -- so for Mr.  
25 Rojas, the superseding indictment in New York and for Mr.

Proceedings

1 Martinez-Rojas, the superseding indictment in New York,  
2 as well as the superseding indictment in Georgia, been  
3 translated for you from English to Spanish?

4 DEFENDANT F. ROJAS: Yes.

5 DEFENDANT MARTINEZ-ROJAS: Yes.

6 THE COURT: All right. Have you each of you  
7 consulted with your respective attorneys about the  
8 indictments?

9 DEFENDANT F. ROJAS: Yes.

10 DEFENDANT MARTINEZ-ROJAS: Yes.

11 THE COURT: And has each of you discussed with  
12 your attorney the particular charges to which it's  
13 proposed you're going to plead guilty?

14 DEFENDANT F. ROJAS: Yes.

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: All right. Counsel, do either of  
17 you want me to read the indictment?

18 MS. NEWMAN: No, your Honor.

19 MR. WALLENSTEIN: No, Judge and just so the  
20 record is clear, I had both the New York and Georgia  
21 indictments translated into Spanish and provided Mr.  
22 Martinez-Rojas with a copy and we discussed both  
23 indictments.

24 THE COURT: All right.

25 MS. NEWMAN: And for the record, the indictment



Proceedings

1 -- the superseding indictment was translated in my  
2 presence word for word by a Spanish interpreter.

3 THE COURT: Okay. All right. So for each of  
4 the defendants, do you understand the indictment in the  
5 New York case?

6 DEFENDANT F. ROJAS: Yes.

7 DEFENDANT MARTINEZ-ROJAS: Yes.

8 THE COURT: All right. And then for Martinez-  
9 Rojas, do you understand the indictment in the Georgia  
10 case?

11 DEFENDANT MARTINEZ-ROJAS: Yes.

12 THE COURT: All right. At this point, I am  
13 going to provide you with some information about how this  
14 criminal case would move forward if you decided not to go  
15 ahead with your guilty plea and discuss some information  
16 related to your proposed plea.

17 So for each of you, the first and most  
18 important thing you should understand is that you do not  
19 have to plead guilty, even if you are guilty. Under the  
20 American legal system, the government or the prosecution  
21 has the burden of proving the guilt of a defendant beyond  
22 a reasonable doubt. If the government cannot or does not  
23 meet its burden proof at trial, the jury in the trial has  
24 the duty to find the defendant not guilty even if the  
25 defendant is guilty.

Proceedings

1 Do you understand that, Mr. Rojas?

2 DEFENDANT F. ROJAS: Yes, I understand.

3 THE COURT: And Mr. Martinez-Rojas?

4 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.

5 THE COURT: So for you, even if you are guilty,  
6 you have a choice. It's up to you to decide what to do  
7 in your respective cases. You can withdraw your  
8 previously entered plea of not guilty and plead guilty as  
9 I've been told you wish to do or you can choose to go to  
10 trial simply by persisting in your plea of not guilty and  
11 make the government meet its burden of proving your guilt  
12 beyond a reasonable doubt.

13 Do you understand that right?

14 DEFENDANT F. ROJAS: Yes.

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: All right. So each of the  
17 defendants said yes.

18 So you should know that as sometimes happened  
19 in American courtrooms, including in this courthouse,  
20 that a jury at trial has returned a verdict of not guilty  
21 even though everyone in the courtroom believed the  
22 defendant to be guilty.

23 What the jury was saying in that instance, was  
24 not that the defendant wasn't guilty but rather that the  
25 government or the prosecution had failed to meet its

Proceedings

1 burden of proving the defendant's guilt beyond a  
2 reasonable doubt.

3 Do you understand that?

4 DEFENDANT F. ROJAS: Yes, I understand.

5 DEFENDANT MARTINEZ-ROJAS: Yes.

6 THE COURT: All right. So for you, you have a  
7 choice. You can say to the government, prove your case  
8 against me. Meet your burden of proving my guilt beyond  
9 a reasonable doubt and you can exercise that right by  
10 saying not guilty when I ask how you plead.

11 If you continue in your plea not guilty, under  
12 the Constitution and the laws of the United States of  
13 America, you are entitled to a speedy and public trial by  
14 jury with the assistance of a lawyer on the charges  
15 contained in the indictment that have been filed with the  
16 Court.

17 Do you understand, Mr. Rojas?

18 DEFENDANT F. ROJAS: Yes, I understand.

19 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.

20 THE COURT: At trial, you would be presumed  
21 innocent. You would have not to prove your innocence at  
22 trial. Were you to go to trial in your case, it would be  
23 the United States government's burden to overcome the  
24 presumption of innocence and prove you guilty by  
25 competent evidence and beyond a reasonable doubt.

Proceedings

1           And if the government failed to meet this  
2 burden of proof, the jury would have the obligation to  
3 find you not guilty.

4           Do you understand, Mr. Rojas?

5           DEFENDANT F. ROJAS: Yes.

6           THE COURT: Mr. Martinez-Rojas?

7           DEFENDANT MARTINEZ-ROJAS: Yes.

8           THE COURT: All right. If you decide to go  
9 ahead with your guilty plea, you'll be giving up your  
10 right to have the government satisfy its burden of  
11 proving you guilty beyond a reasonable doubt. Instead,  
12 you will be admitting your guilt.

13           Do you understand that?

14           DEFENDANT F. ROJAS: Yes.

15           THE COURT: All right. Mr. Martinez-Rojas?

16           DEFENDANT MARTINEZ-ROJAS: Yes.

17           THE COURT: In the course of a trial, the  
18 witnesses for the government would have to come to court  
19 and testify in your presence. Each of your lawyers would  
20 have the right to cross-examine the witnesses for the  
21 government, to object to the evidence offered by the  
22 government and to offer witnesses and other evidence on  
23 your behalf and to subpoena or to compel witnesses to  
24 come to court and testify in your presence.

25           Do you understand?

Proceedings

1 DEFENDANT F. ROJAS: Yes, I understand.

2 DEFENDANT MARTINEZ-ROJAS: Yes, I do.

3 THE COURT: All right. Each of the defendants  
4 said they understood. If you decide to go ahead with  
5 your guilty plea and you do, and I recommend that the  
6 district judge accept your plea and that's what Judge  
7 Korman does, you're giving up the rights that I've just  
8 discussed.

9 You're giving up your right to confront the  
10 witness who might testify against you. You're giving up  
11 your right to offer evidence on your own behalf. You're  
12 giving up your right to have witnesses come to court or  
13 to compel witnesses to come to court and to testify.  
14 You're giving up your right to raise any defenses that  
15 you may have.

16 Do you understand, Mr. Rojas?

17 DEFENDANT F. ROJAS: Yes, I understand.

18 THE COURT: Mr. Martinez-Rojas?

19 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.  
20 Yes.

21 THE COURT: Were there to be a trial in your  
22 case, you would have the right to testify on your own  
23 behalf if you choose to do so but you could not be  
24 required to testify at trial. Under the Constitution and  
25 laws of the United States, a defendant in a criminal case

Proceedings

1 cannot be forced to take the witness stand at his trial  
2 and say anything that could be used against him to show  
3 that he is guilty of the crime or crimes with which he is  
4 charged.

5           So, if you decided not to testify at your  
6 trial, the judge would instruct the jury that the jurors  
7 could not hold that fact against you. This is called  
8 your right against self-incrimination.

9           Do you understand it, Mr. Rojas?

10           DEFENDANT F. ROJAS: Yes, I understand.

11           DEFENDANT MARTINEZ-ROJAS: I understand.

12           THE COURT: All right. If you plead guilty,  
13 I'm going to have to ask you questions about what you did  
14 in order to satisfy myself and in turn the district judge  
15 that you are, in fact, guilty of the charges to which you  
16 are pleading guilty.

17           As part of that process, you are going to have  
18 to answer my questions truthfully, subject to the oath  
19 that you took earlier and acknowledge your guilt.

20           Do you understand?

21           DEFENDANT F. ROJAS: Yes.

22           DEFENDANT MARTINEZ-ROJAS: Yes.

23           THE COURT: It is not going to be enough for  
24 you simply to say that you're guilty. You're going to  
25 have to tell me what it is that you did such that you are

Proceedings

1 in fact guilty of the charges to which you're pleading  
2 guilty.

3 Does each of you understand, Mr. Rojas, Mr.  
4 Martinez-Rojas then?

5 DEFENDANT F. ROJAS: Yes, I do.

6 DEFENDANT MARTINEZ-ROJAS: Yes.

7 THE COURT: If you plead guilty and I recommend  
8 that the district judge accept your plea and that's what  
9 Judge Korman does, you will be giving up your  
10 constitutional right to a trial and to all the other  
11 rights that I have just discussed. There will not be a  
12 further trial of any kind in your case. If Judge Korman  
13 accepts your plea, he will simply enter a judgment of  
14 guilty on the basis of that plea.

15 Do you understand that, Mr. Rojas?

16 DEFENDANT F. ROJAS: Yes, I understand.

17 THE COURT: Mr. Martinez-Rojas?

18 DEFENDANT MARTINEZ-ROJAS: Yes.

19 THE COURT: If after you are sentenced, you or  
20 your attorney thinks the Court has not properly followed  
21 the law in sentencing you, you can usually appeal your  
22 sentence to a higher court. But by pleading guilty  
23 however, you will not except under very limited  
24 circumstances, be able to challenge your judgment of  
25 conviction by appeal or by a collateral attack.

Proceedings

1 Do you understand?

2 DEFENDANT F. ROJAS: Yes, I understand.

3 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.

4 THE COURT: All right. We're going to go over  
5 your plea agreement in a few minutes but I want to draw  
6 your attention to a limitation on your right to appeal.  
7 So this is a little bit different from what the usual  
8 right is because of your plea agreement.

9 So for Mr. Rojas, in Government's Exhibit 4,  
10 which is your plea agreement, in paragraph 4 on page 6,  
11 there's a provision which I am going to read which says,  
12 "The defendant agrees not to file an appeal or otherwise  
13 challenge by petition pursuant to 28 United States Code  
14 Section 2255 or any other provision, the conviction or  
15 sentence in the event that the Court imposes a term of  
16 imprisonment of 300 months or below."

17 All right. So do you understand what I just  
18 read?

19 DEFENDANT F. ROJAS: Yes, I understand.

20 THE COURT: Did you go over it with your  
21 attorney?

22 DEFENDANT F. ROJAS: Yes.

23 THE COURT: Are you in agreement with that  
24 statement?

25 DEFENDANT F. ROJAS: Yes, I am in agreement.



Proceedings

1 THE COURT: All right. And do you understand  
2 that it's a limitation on your appellate rights and other  
3 rights to attack your sentence and your conviction?

4 DEFENDANT F. ROJAS: Yes, I understand.

5 THE COURT: All right. For Mr. Martinez-Rojas,  
6 you have a similar provision in your plea agreement.  
7 Your plea agreement is Government's Exhibit 5. In  
8 paragraph 4 on page 8, it provides as follows:

9 "The defendant agrees not to file an appeal or  
10 otherwise challenge by petition pursuant to 28 United  
11 States Code Section 2255 or any other provision, the  
12 conviction or sentence in the event that the Court  
13 imposes a term of imprisonment of 327 months or below."

14 Do you understand what I just read?

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: Did you go over that provision with  
17 your attorney?

18 DEFENDANT MARTINEZ-ROJAS: Yes.

19 THE COURT: Are you in agreement with it?

20 DEFENDANT MARTINEZ-ROJAS: Yes.

21 THE COURT: Okay. So for each of the  
22 defendants, are you willing to give up your right to a  
23 trial and the other rights that I've just discussed? Mr.  
24 Rojas?

25 DEFENDANT F. ROJAS: Yes.

Proceedings

1 THE COURT: And Mr. Martinez-Rojas?

2 DEFENDANT MARTINEZ-ROJAS: Yes, yes.

3 THE COURT: All right. So just for the record,  
4 we're changing the Spanish interpreter. So can you just  
5 state your name, so it's clear?

6 THE INTERPRETER: I'm James Santoria.

7 THE COURT: Okay. All right. So now we're  
8 going to talk about the particulars of your plea  
9 agreement. So for Mr. Rojas again, your plea agreement  
10 is marked as Exhibit 4 and Mr. Martinez-Rojas, yours is  
11 marked as Government's Exhibit 5.

12 For each of you on the last page of the  
13 document, in the middle of the page it says, "I have read  
14 the entire agreement and discussed it with my attorney.  
15 I understand all of its terms and I am entering into it  
16 knowingly and voluntarily."

17 So first for Mr. Rojas, was your plea agreement  
18 translated for you from English to Spanish?

19 DEFENDANT F. ROJAS: Yes.

20 THE COURT: Okay. Is that statement that I  
21 have just read, which I will read again for the record,  
22 "I have read the entire agreement and discussed it with  
23 my attorney. I understand all of its terms and I am  
24 entering into it knowingly and voluntarily," is that a  
25 correct statement?

Proceedings

1 DEFENDANT F. ROJAS: Yes.

2 THE COURT: All right. I am going to show you  
3 some signatures. I'm holding up the original copy, Mr.  
4 Rojas. I'm pointing right below the signature I just  
5 read.

6 Is that your signature?

7 DEFENDANT F. ROJAS: Yes.

8 THE COURT: And then Ms. Newman, right below  
9 that, is that your signature?

10 MS. NEWMAN: Yes, it is and just for the record  
11 so it's clear, Ms. Carmen Espinal (ph.) who is appointed  
12 paralegal and Spanish speaking, did translate the plea  
13 agreement in my presence approximately two weeks ago.  
14 And I was present for that. We answered all his  
15 questions at that time.

16 THE COURT: All right. And what was translated  
17 the same copy of the plea agreement as the one we have  
18 today?

19 MS. NEWMAN: Yes, yes, yes.

20 THE COURT: Okay. All right. And then we have  
21 both of you here, so Ms. Lee for the government, first is  
22 that your signature?

23 MS. LEE: Yes, your Honor.

24 THE COURT: And Ms. Merkl, her supervisor, is  
25 that your signature?

Proceedings

1 MS. MERKL: Yes, Judge.

2 THE COURT: Okay. All right. I am going to  
3 show you, Mr. Rojas, page 8. I'm holding up this copy.  
4 There was a handwritten amendment to paragraph 6 to the  
5 second full sentence. The second full sentence now  
6 reads, "The defendant represents that he will disclose  
7 all of his assets to the United States on the financial  
8 statement within thirty days entitled, "United States  
9 Department of Justice Financial Statement, hereinafter  
10 the 'financial statement'," a copy of which," it says,  
11 "is attached hereto as Exhibit A."

12 Do you need to change that last will be  
13 attached?

14 MS. MERKL: Yes, it will be attached.

15 THE COURT: All right. Here. I'm going to  
16 just correct it. All right. Can you just show that to  
17 everybody? So can you initial that change to it now  
18 says "will be," and then just confirm on the record for  
19 the government -- I'm not sure which government attorney  
20 is initialing it, was that Ms. Lee?

21 MS. LEE: Yes, your Honor.

22 THE COURT: All right.

23 MS. LEE: I did.

24 THE COURT: All right. So Ms. Newman, can you  
25 confirm the initials that are there now are yours and

Proceedings

1 also initial that will be change? And then have your  
2 client initial as well and confirm on the record that  
3 he's initialed that.

4 MS. NEWMAN: Yes. Yes, your Honor, we have --  
5 my client initialed in my presence the two changes.

6 THE COURT: Okay.

7 MS. NEWMAN: One that was originally made and  
8 the second change as the Court has pointed out and that  
9 we've now made on the record.

10 THE COURT: And you've initialed it as well?

11 MS. NEWMAN: Yes, we have.

12 THE COURT: All right. And were you able to  
13 review that change with the assistance of a Spanish-  
14 language interpreter?

15 MS. NEWMAN: Yes, I was.

16 THE COURT: Okay. All right. So, Mr.  
17 Martinez-Rojas, we're just going to go over together the  
18 initials and signing of your plea agreement which is  
19 Government's Exhibit 5.

20 So similarly, as I said, your agreement says,  
21 "I have read the entire agreement and discussed it with  
22 my attorney. I understand all of its terms and I am  
23 entering into it knowingly and voluntarily."

24 Was this plea agreement translated for you from  
25 English to Spanish?

Proceedings

1 DEFENDANT MARTINEZ-ROJAS: Yes.

2 THE COURT: And is that statement that I just  
3 read a correct statement?

4 DEFENDANT MARTINEZ-ROJAS: Yes.

5 THE COURT: All right. And right below that  
6 statement is a signature. I'm holding up my copy which  
7 is the original. Is that your signature?

8 DEFENDANT MARTINEZ-ROJAS: Yes.

9 THE COURT: And then Mr. Wallenstein over here,  
10 is that your signature?

11 MR. WALLENSTEIN: It is, your Honor and for the  
12 record not only did I discuss that with Mr. Martinez-  
13 Rojas, with the assistance of a Spanish interpreter but I  
14 had the agreement translated into Spanish and provided  
15 him with a copy written in Spanish.

16 THE COURT: And then is that -- the work that  
17 you just referred to, was that done by J. Carlos Venant  
18 (ph.)?

19 MR. WALLENSTEIN: Yes.

20 THE COURT: Okay. And then for the government,  
21 Ms. Lee, up at the top, is that your signature?

22 MS. LEE: Yes, your Honor.

23 THE COURT: And your supervisor, Ms. Merkl, is  
24 that your signature?

25 MS. MERKL: Yes, Judge.

Proceedings

1           THE COURT: All right. So on page 11,  
2 paragraph 6, there was a handwritten change, Mr.  
3 Martinez-Rojas, to the plea agreement. So the relevant  
4 sentence in paragraph 6 which is the second sentence now  
5 says, "The defendant represents that he will disclose all  
6 of his assets within thirty days to the United States on  
7 the financial statement entitled, "Department of Justice  
8 Financial Statement, hereinafter the 'financial  
9 statement,' a copy of which will be attached hereto as  
10 Exhibit A."

11           Do you understand that sentence?

12           DEFENDANT MARTINEZ-ROJAS: Yes.

13           THE COURT: Did you go over it with your  
14 lawyer?

15           DEFENDANT MARTINEZ-ROJAS: Yes.

16           THE COURT: And are you in agreement with that  
17 sentence?

18           DEFENDANT MARTINEZ-ROJAS: Yes.

19           THE COURT: Here, I am going to ask Ms. Quinlan  
20 to just have the parties initial the change where the  
21 will be and confirm on the record for the government and  
22 for the defendant, that those initials are in fact the  
23 respective initials. So Mr. Wallenstein, if you could  
24 initial and just let me know that you have initialed that  
25 sentence.

Proceedings

1           So, Mr. Wallenstein, you initialed it, is that  
2 right?

3           MR. WALLENSTEIN: I did, your Honor and my  
4 client is about to.

5           THE COURT: Okay.

6           MR. WALLENSTEIN: And, Judge, my client have  
7 both initialed all of the changes in this document.

8           THE COURT: Okay. Thanks. Have the  
9 government, just show it then. So Ms. Lee, you're  
10 initialing it, is that right, the change?

11          MS. LEE: Yes, your Honor, I am.

12          THE COURT: Okay. All right. We're going to  
13 go over this in a little bit more detail now. Just for  
14 each counsel, Ms. Newman and Mr. Wallenstein, were all  
15 formal offers -- plea offers by the government conveyed  
16 to your respective client?

17          MS. NEWMAN: Yes, for Mr. Rojas.

18          MR. WALLENSTEIN: Yes, your Honor. I conveyed  
19 all the offers to Mr. Martinez-Rojas and discussed them  
20 with him.

21          THE COURT: Okay. All right. So for each of  
22 the defendants, have you read the plea agreement? So,  
23 for Mr. Rojas, did you read the plea agreement in Spanish  
24 or it was read to you in Spanish, I think?

25          DEFENDANT F. ROJAS: Yes.



Proceedings

1 THE COURT: All right. So let me ask -- make  
2 sure that's clear. So, Mr. Felix Rojas, is it correct  
3 that the plea agreement was read to you in Spanish?

4 DEFENDANT F. ROJAS: Yes.

5 THE COURT: And then Mr. Wallenstein, you had a  
6 written copy provided to your client or it was read to  
7 him in Spanish, which one?

8 MR. WALLENSTEIN: Both.

9 THE COURT: Okay. Both. So, Mr. Martinez-  
10 Rojas, did you read a copy of your plea agreement in  
11 Spanish?

12 DEFENDANT MARTINEZ-ROJAS: Yes.

13 THE COURT: And was the plea agreement read to  
14 you in Spanish, as well?

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: All right. So for each of the  
17 defendants, in reviewing the plea agreement, did you have  
18 the assistance of a Spanish-language interpreter? Mr.  
19 Rojas?

20 DEFENDANT F. ROJAS: Yes.

21 THE COURT: And Mr. Martinez-Rojas?

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: And for each defendant, did you  
24 review the plea agreement with your attorney? Mr. Rojas?

25 DEFENDANT F. ROJAS: Yes.

Proceedings

1 THE COURT: Mr. Martinez-Rojas?

2 DEFENDANT MARTINEZ-ROJAS: Yes.

3 THE COURT: All right. And for each of you  
4 when you were reviewing the agreement, did you have the  
5 assistance -- sorry, reviewing it with your attorney, did  
6 you have the assistance of a Spanish-language  
7 interpreter? So, Mr. Rojas?

8 DEFENDANT F. ROJAS: Yes.

9 THE COURT: Mr. Martinez-Rojas?

10 DEFENDANT MARTINEZ-ROJAS: Yes.

11 THE COURT: All right. For each of you, do you  
12 understand all of the terms of your respective plea  
13 agreements? Mr. Rojas?

14 DEFENDANT F. ROJAS: Yes, yes.

15 THE COURT: Mr. Martinez-Rojas?

16 DEFENDANT MARTINEZ-ROJAS: Yes, yes.

17 THE COURT: For each of the defendants, does  
18 your respective plea agreement -- so for Mr. Felix Rojas,  
19 Government's Exhibit 4, for Mr. Martinez-Rojas,  
20 Government's Exhibit 5, does it accurately represent the  
21 entire understanding or agreement that you have with the  
22 government? Mr. Rojas?

23 DEFENDANT F. ROJAS: Yes.

24 THE COURT: Mr. Martinez-Rojas?

25 DEFENDANT MARTINEZ-ROJAS: Yes.

Proceedings

1 THE COURT: All right. For each of you, has  
2 anyone made any promise or assurance to you that's not  
3 included in the plea agreement in order to get you to  
4 agree to this plea agreement?

5 DEFENDANT F. ROJAS: No.

6 THE COURT: Mr. Martinez-Rojas?

7 DEFENDANT MARTINEZ-ROJAS: No.

8 THE COURT: All right. Has anyone threatened  
9 you in any way to persuade you to accept the plea  
10 agreement?

11 DEFENDANT F. ROJAS: No.

12 THE COURT: Mr. Martinez-Rojas?

13 DEFENDANT MARTINEZ-ROJAS: No.

14 THE COURT: Okay. All right. For defense  
15 counsel, let me just make sure. Has each of you read and  
16 reviewed with your client the written plea agreement that  
17 is before the Court as to your respective client?

18 MS. NEWMAN: Yes.

19 MR. WALLENSTEIN: Yes, your Honor, I have.

20 THE COURT: Okay. And each of you had the  
21 assistance of a Spanish-language interpreter when you  
22 were discussing the plea agreement with your client,  
23 right?

24 MS. NEWMAN: Yes, that's correct.

25 MR. WALLENSTEIN: Yes, your Honor.

Proceedings

1           THE COURT: All right. And for each of you, as  
2 to your respective client's plea agreement, does it  
3 reflect your understanding of the entire agreement that  
4 your client has entered into with the government?

5           MS. NEWMAN: Yes, for Mr. Rojas.

6           MR. WALLENSTEIN: And for Mr. Martinez-Rojas,  
7 it does, your Honor.

8           THE COURT: Okay. For the defendants, do you  
9 understand that if you fail to fully comply with your  
10 agreement with the government, the government will be  
11 released from its obligations but you will not be  
12 released from your guilty plea.

13           Do you understand that?

14           DEFENDANT F. ROJAS: Yes.

15           DEFENDANT MARTINEZ-ROJAS: Yes.

16           THE COURT: All right. Each of the defendants  
17 said yes. All right.

18           So now I am going to explain the sentencing  
19 scheme applicable in your case. I'm going to first go  
20 over Mr. Felix Rojas' applicable sentencing scheme but  
21 Mr. Martinez-Rojas, I would appreciate if you would  
22 listen because some of the information is going to relate  
23 to your case as well.

24           So for Mr. Felix Rojas, this is what I am going  
25 to go over as outlined in your plea agreement which is

## Proceedings

1 Government's Exhibit 4 which proposed is that you're  
2 going to plead guilty to Count 1 and Count 17 of the  
3 superseding indictment in the case in New York. It  
4 charges you with violations of particular statutes.  
5 Those are 18 United States Code Section 1962(c) and  
6 1591(a) and as part of your guilty plea, you are going to  
7 admit to racketeering -- as racketeering acts, your  
8 participation in the sex trafficking of Jane Doe number  
9 6, which is alleged as Racketeering Act 8(a) and Count 17  
10 of the indictment, as well as sex trafficking of Jane  
11 Doe, which is alleged as Racketeering Act 10(a) and  
12 Count 21.

13 All right. Do you understand that?

14 DEFENDANT F. ROJAS: Yes, I understand.

15 THE COURT: All right. So those counts carry  
16 the following statutory penalties; a maximum term of  
17 imprisonment of life. This is -- I'm sorry, let me start  
18 that again.

19 Count 1 carries a maximum term of imprisonment  
20 of life. It carries a minimum term of imprisonment of no  
21 time in prison. It carries a maximum supervised release  
22 term of five years. That supervised release term would  
23 follow any term of imprisonment.

24 If a condition of release were violated, you  
25 may be sentenced for up to five years without credit for

Proceedings

1 pre-release imprisonment or time previously served on  
2 post-release supervision.

3 Do you understand that?

4 DEFENDANT F. ROJAS: Yes, I understand.

5 THE COURT: All right. Supervised release  
6 would mean that there may be many restrictions placed on  
7 your liberty. Those restrictions may include but are not  
8 limited to travel limitations, requirements that you  
9 report regularly to a probation officer, a prohibition on  
10 carrying a gun or other weapons and the like.

11 Do you understand that supervised release?

12 DEFENDANT F. ROJAS: Yes, I understand.

13 THE COURT: All right. Additional possible  
14 sentencing consequences for Count 1 include the maximum  
15 fine would be the greater of \$250,000 or twice the gross  
16 gain or twice the gross loss.

17 Do you understand that?

18 DEFENDANT F. ROJAS: Yes, I understand.

19 THE COURT: Restitution is mandatory in your  
20 case. It will be in the full amount of each victim's  
21 losses as determined by the judge.

22 Do you understand that?

23 DEFENDANT F. ROJAS: Yes, I understand.

24 THE COURT: All right. There's a \$100 special  
25 assessment that you have to be charged.

Proceedings

1 Do you understand that?

2 DEFENDANT F. ROJAS: Yes, I understand.

3 THE COURT: Other sentencing consequences  
4 include removal from the United States. This is  
5 described in paragraph 8. So I am going to go over that.

6 All right. Let me just ask, was this defendant  
7 extradited or were they in the United States?

8 MS. MERKL: These two defendants were both  
9 extradited, your Honor.

10 THE COURT: Okay. All right. So I am going to  
11 explain to you a provision that's in the plea agreement  
12 -- really just go over what's in the plea agreement,  
13 which relates to your immigration status in the United  
14 States.

15 What paragraph 8 explains is that pleading  
16 guilty may have consequences for any immigration status  
17 that you might have in the United States if you're not a  
18 citizen of the United States. Under federal law, a broad  
19 range of crimes are what are called removable offenses  
20 including the ones to which it's proposed that you're  
21 going to plead guilty.

22 In fact, because you're going to plead guilty  
23 to racketeering involving sex trafficking and interstate  
24 prostitution, your removal from the United States is  
25 presumptively mandatory but immigration consequences are

Proceedings

1 decided in a separate proceeding. So nobody here can  
2 tell you exactly what the immigration consequences of a  
3 guilty plea would be.

4 But what I would like to know is is it correct  
5 that you would like to go ahead with your guilty plea  
6 regardless of any immigration consequences that guilty  
7 plea may entail including possibly the automatic removal  
8 from the United States.

9 Is that correct, Mr. Rojas?

10 DEFENDANT F. ROJAS: Yes, I understand.

11 THE COURT: Okay. Additional possible  
12 sentencing consequences includes sex offender  
13 registration pursuant to a federal act called, Sex  
14 Offender Registration Notification Act, 42 United States  
15 Code Section 16901, et seq., meaning the sections  
16 following on.

17 That's described in paragraph 11 of your  
18 agreement with the government. Do you understand  
19 paragraph 11?

20 DEFENDANT F. ROJAS: Yes.

21 THE COURT: Did you review it with your  
22 attorney?

23 DEFENDANT F. ROJAS: Yes.

24 THE COURT: All right. And are the statements  
25 made in paragraph 11 correct?



Proceedings

1 DEFENDANT F. ROJAS: Yes.

2 THE COURT: Additionally, the possible  
3 sentencing consequences include criminal forfeiture.  
4 That's described in paragraph 6 and 7 of your plea  
5 agreement which is Government's Exhibit 4.

6 Have you read or was paragraph 6 and paragraph  
7 7 read to you in Spanish?

8 DEFENDANT F. ROJAS: Yes.

9 THE COURT: Do you understand paragraph 6 and  
10 7?

11 DEFENDANT F. ROJAS: Yes, I understand.

12 THE COURT: Did you have a sufficient  
13 opportunity to review paragraph 6 and 7 with your  
14 attorney?

15 DEFENDANT F. ROJAS: Yes.

16 THE COURT: Are you in agreement with paragraph  
17 6 and 7?

18 DEFENDANT F. ROJAS: yes.

19 THE COURT: All right. Now we're going to talk  
20 about the possible sentencing consequences of Count 17.  
21 The maximum term of imprisonment is life. The minimum  
22 term of imprisonment is fifteen years.

23 Do you understand those provisions?

24 DEFENDANT F. ROJAS: Yes, I understand.

25 THE COURT: Do you understand that the judge

Proceedings

1 has to sentence you to a minimum term of imprisonment of  
2 fifteen years?

3 DEFENDANT F. ROJAS: Yes, I understand that.

4 THE COURT: All right. Additional possible  
5 sentencing consequences include a minimum supervised  
6 release term of five years with a maximum supervised  
7 release term of life which would follow any term of  
8 imprisonment. If a condition of release is violated, you  
9 may be sentenced for up to life without credit for pre-  
10 release imprisonment or time previously served on post-  
11 release supervision.

12 Do you understand that provision?

13 DEFENDANT F. ROJAS: Yes, I understand.

14 THE COURT: If you commit any criminal offense  
15 under particular laws which are outlined in your plea  
16 agreement which are Chapter 109(a), 110, or 117 or Title  
17 18 of the United States Code Section 1201 or 1591, for  
18 which imprisonment for a term longer than one year can be  
19 imposed, you shall be sentenced to not less than five  
20 years and up to the maximum term of imprisonment for the  
21 offense which was set forth in paragraph 1(a) which was  
22 life.

23 Do you understand that provision?

24 DEFENDANT F. ROJAS: Yes, I understand.

25 THE COURT: Additionally, the maximum fine is

Proceedings

1 the greater of \$250,000 or twice the gross gain or twice  
2 the gross loss.

3 Do you understand that?

4 DEFENDANT F. ROJAS: Yes, I understand.

5 THE COURT: Restitution is mandatory in the  
6 full amount of each victim's losses as determined by the  
7 Court.

8 Do you understand that?

9 DEFENDANT F. ROJAS: Yes, I understand.

10 THE COURT: You have to be charged \$100  
11 special assessment.

12 Do you understand that?

13 DEFENDANT F. ROJAS: Yes, I understand.

14 THE COURT: Similar to the previous count,  
15 penalties include removal from the United States as  
16 described in paragraph 8, sex offender registration  
17 pursuant to the Sex Offender Registration Notification  
18 Act, which is described in paragraph 11 and criminal  
19 forfeiture, which is set forth below in paragraphs 6 and  
20 7.

21 So we went over earlier paragraphs 6, 7, 8, and  
22 11. Do you understand all of those provisions?

23 DEFENDANT F. ROJAS: Yes.

24 THE COURT: All right. Also, the agreement and  
25 the sentencing scheme provide the sentence imposed on

Proceedings

1 each count may run consecutively. So not at the same  
2 time but one after the other.

3 Do you understand that?

4 DEFENDANT F. ROJAS: Yes, I understand.

5 THE COURT: Okay. So, Mr. Martinez-Rojas, I am  
6 going to go over the same parts of your plea agreement  
7 which has been marked as Government's Exhibit 5.

8 In your case, what's proposed is that you are  
9 going to plead guilty to Counts 1 and 19 of the New York  
10 case, which has a number 15-cr-348. We're going to talk  
11 about it as the EDNY or Eastern District of New York  
12 indictment that charges you with violations of 18 United  
13 States Code Sections 1962(s) and 1591(a) and during your  
14 guilty plea, you're going to admit as racketeering acts,  
15 your participation in the sex trafficking of Jane Doe 1,  
16 as alleged in the Racketeering Acts 3(a), 3(b) and Count  
17 7 and 8 of the indictment, sex trafficking of a minor,  
18 Jane Doe 3, as alleged in Racketeering Act 5(a) and Count  
19 11, the sex trafficking of Jane Doe 6, as alleged in Act  
20 8(a) and Count 17, sex trafficking of Jane Doe 7, as  
21 alleged in Racketeering Act 9(a) and Count 19 and sex  
22 trafficking of Jane Doe 9, as alleged in Racketeering Act  
23 11(a) and Count 23.

24 Do you understand all of that?

25 DEFENDANT MARTINEZ-ROJAS: Yes.

Proceedings

1           THE COURT: You're also going to plead guilty  
2 to Count 1 of the Georgia case. The Georgia case is  
3 known by the number 13-cr-128 and it's referred to as the  
4 NDGA or Northern District of Georgia indictment. It  
5 charges you with violations 18 United States Code Section  
6 1591(a) and at your guilty plea, you're going to admit to  
7 your participation in sex trafficking of an individual  
8 identified as "MSJ" as alleged in Count 3 and sex  
9 trafficking of an individual as "SAM" as alleged in Count  
10 5.

11           Do you understand that?

12           DEFENDANT MARTINEZ-ROJAS: Yes.

13           THE COURT: Okay. So with regard to the  
14 indictment in the Eastern District of New York or the  
15 EDNY indictment, Count 1, these are the following -- the  
16 following is the statutory -- possible statutory  
17 penalties. All right.

18           So for Count 1, the maximum term of  
19 imprisonment is life. The minimum term of imprisonment  
20 is zero years.

21           Do you understand that?

22           DEFENDANT MARTINEZ-ROJAS: Yes.

23           THE COURT: The maximum supervised release term  
24 is five years. It would follow any term of imprisonment.  
25 If a condition of supervised release were violated, you

Proceedings

1 may be sentenced for up to five years and you would not  
2 receive credit for pre-release imprisonment or time  
3 previously served on post-release supervision.

4 Do you understand that?

5 DEFENDANT MARTINEZ-ROJAS: Yes.

6 THE COURT: And as I said to your colleague,  
7 Mr. Rojas, if you're subject to supervised release or  
8 when you're subject to supervised release, there may be  
9 many restrictions placed on your liberty including  
10 limitations on travel, limitations on your right to carry  
11 any weapon and the requirement that you report to  
12 probation on a regular basis, as well as other possible  
13 limitations.

14 Do you understand that?

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: The maximum fine under Count 1 is  
17 the greater of 250,000 dollars or twice the gross gain or  
18 twice the gross loss.

19 Do you understand that?

20 DEFENDANT MARTINEZ-ROJAS: Yes.

21 THE COURT: All right. Restitution is  
22 mandatory in the full amount of each victim's losses as  
23 decided by the Court and you must be charged \$100 special  
24 assessment.

25 Do you understand those provisions?

Proceedings

1 DEFENDANT MARTINEZ-ROJAS: Yes.

2 THE COURT: All right. Other penalties include  
3 removal from the United States as described in paragraph  
4 8. Did you hear what I said to Mr. Rojas about what  
5 removal means?

6 DEFENDANT MARTINEZ-ROJAS: Yes.

7 THE COURT: Do you understand it?

8 DEFENDANT MARTINEZ-ROJAS: Yes.

9 THE COURT: Did you review paragraph 8 in your  
10 plea agreement which is Government's Exhibit 5?

11 DEFENDANT MARTINEZ-ROJAS: Yes.

12 THE COURT: And it was translated for you from  
13 English to Spanish, correct?

14 DEFENDANT MARTINEZ-ROJAS: Yes.

15 THE COURT: Did you have a sufficient  
16 opportunity to review paragraph 8 with your attorney?

17 DEFENDANT MARTINEZ-ROJAS: Yes.

18 THE COURT: Are you in agreement with paragraph  
19 8?

20 DEFENDANT MARTINEZ-ROJAS: Yes.

21 THE COURT: And is it correct that despite the  
22 serious immigration consequences, including your possible  
23 removal or automatic removal from the United States,  
24 which is in fact presumptively mandatory, that you would  
25 still like to go ahead with your guilty plea regardless

Proceedings

1 of these immigration consequences?

2 DEFENDANT MARTINEZ-ROJAS: Yes.

3 THE COURT: All right. Other possible  
4 penalties include sex offender registration pursuant to  
5 the Sex Offender Registration Notification Act, 42 United  
6 States Code Section 16901, et seq., meaning following on,  
7 which is described in paragraph 11.

8 Did you read paragraph 11 in the Spanish  
9 translation of your plea agreement?

10 DEFENDANT MARTINEZ-ROJAS: Yes.

11 THE COURT: Do you understand paragraph 11?

12 DEFENDANT MARTINEZ-ROJAS: Yes.

13 THE COURT: Are you in -- well, I am sorry, did  
14 you review paragraph 11 with your attorney?

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: And are you in agreement with  
17 paragraph 11?

18 DEFENDANT MARTINEZ-ROJAS: Yes.

19 THE COURT: Another possible sentencing  
20 consequence is criminal forfeiture which is described in  
21 paragraph 6 and 7 of your plea agreement.

22 Did you read them in Spanish, paragraph 6 and  
23 7?

24 DEFENDANT MARTINEZ-ROJAS: Yes.

25 THE COURT: Do you understand them?



Proceedings

1 DEFENDANT MARTINEZ-ROJAS: Yes.

2 THE COURT: Are the statements in paragraph 6  
3 and 7 correct?

4 DEFENDANT MARTINEZ-ROJAS: Yes.

5 THE COURT: And is it correct you went over  
6 paragraph 6 and 7 with your attorney?

7 DEFENDANT MARTINEZ-ROJAS: Yes.

8 THE COURT: And is it correct that you're in  
9 agreement with paragraph 6 and 7?

10 DEFENDANT MARTINEZ-ROJAS: Yes.

11 THE COURT: All right. I am going to go over  
12 possible sentencing consequences of Count 19 of the  
13 Eastern District of New York indictment. The maximum  
14 term of imprisonment is life.

15 Do you understand that?

16 DEFENDANT MARTINEZ-ROJAS: Yes.

17 THE COURT: The minimum term of imprisonment  
18 is fifteen years.

19 Do you understand that?

20 DEFENDANT MARTINEZ-ROJAS: Yes.

21 THE COURT: So you understand the judge has to  
22 sentence you to at least fifteen years in jail or in  
23 prison.

24 Do you understand that?

25 DEFENDANT MARTINEZ-ROJAS: Yes.

Proceedings

1 THE COURT: All right. Similar to the previous  
2 count, there's a minimum supervised release term. In  
3 this count it's five years and the maximum supervised  
4 release term is life.

5 So I am not sure I said that clearly. The  
6 minimum supervised release term is five years. The  
7 maximum supervised release term is life. It would follow  
8 any term of imprisonment. If a condition of released  
9 were violated, you may be sentenced for up to life  
10 without credit for pre-release imprisonment or time  
11 previously served on post-release supervision.

12 Do you understand that?

13 DEFENDANT MARTINEZ-ROJAS: Yes.

14 THE COURT: All right. If you commit any  
15 offense under particular federal laws which are Chapter  
16 109(a), 110 or 177, or Title 18 of the United States Code  
17 Sections 1201 or 1591, for which imprisonment for a term  
18 longer than one year can be imposed, you shall be  
19 sentenced to not less than five years and up to the  
20 maximum term of imprisonment for the offense which is  
21 described in paragraph 1(a) and which is life.

22 Do you understand those provisions?

23 DEFENDANT MARTINEZ-ROJAS: Yes.

24 THE COURT: All right. Similarly, this count  
25 carries a maximum fine of the greater of \$250,000 or

Proceedings

1 twice the gross gain or twice the gross loss, as well as  
2 a restitution provision in which restitution is mandatory  
3 in the full amount of each victim's loss as determined by  
4 the Court.

5 Do you understand that?

6 DEFENDANT MARTINEZ-ROJAS: Yes.

7 THE COURT: You have to be charged \$100 special  
8 assessment.

9 Do you understand that?

10 DEFENDANT MARTINEZ-ROJAS: Yes.

11 THE COURT: All right. Other penalties include  
12 removal from the United States as set forth in paragraph  
13 8. I've already asked you about paragraph 8 but is it  
14 correct that you understand paragraph 8?

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: And is it correct that even though  
17 paragraph 8 describes that your removal from the United  
18 States is presumptively mandatory, if you go ahead with  
19 this guilty plea, that you still wish to go ahead with  
20 the plea despite those serious immigration consequences?  
21 Is that correct?

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: All right. Other possible  
24 sentencing consequences include sex offender registration  
25 pursuant to the Sex Offender Registration Notification

Proceedings

1 Act, 42 United States Code Section 16901, et seq. as  
2 described in paragraph 11.

3 Is it correct as you said earlier that you have  
4 reviewed paragraph 11 of your plea agreement?

5 DEFENDANT MARTINEZ-ROJAS: Yes.

6 THE COURT: All right. And is it correct that  
7 you're in agreement with what it says in paragraph 11?

8 DEFENDANT MARTINEZ-ROJAS: Yes.

9 THE COURT: All right. And lastly, it's an  
10 additional possible sentencing consequence is criminal  
11 forfeiture which is described in paragraph 6 and 7 of  
12 your plea agreement which is Government's Exhibit 5.

13 Is it correct that you understand paragraphs 6  
14 and 7?

15 DEFENDANT MARTINEZ-ROJAS: Yes.

16 THE COURT: Okay. And are you in agreement  
17 with the statements in paragraphs 6 and 7?

18 DEFENDANT MARTINEZ-ROJAS: Yes.

19 THE COURT: All right. So before we start  
20 talking about the Georgia indictment, let me just ask  
21 globally with regard to your plea agreement, Mr.  
22 Martinez-Rojas, do you understand all of the possible  
23 sentencing consequences that I've gone over, Mr.  
24 Martinez-Rojas?

25 DEFENDANT MARTINEZ-ROJAS: Yes.

Proceedings

1 THE COURT: Okay. And did you have a sufficient  
2 opportunity to review them with your attorney?

3 DEFENDANT MARTINEZ-ROJAS: Yes.

4 THE COURT: And do you understand that Count 19  
5 provides for a minimum term of imprisonment of fifteen  
6 years?

7 DEFENDANT MARTINEZ-ROJAS: Yes.

8 THE COURT: All right. Now we're going to talk  
9 about Count One of the Northern District of Georgia  
10 indictment. For that count, it provides for a maximum  
11 term of imprisonment of life.

12 Do you understand that?

13 DEFENDANT MARTINEZ-ROJAS: Yes.

14 THE COURT: It also provides for a minimum term  
15 of imprisonment of fifteen years.

16 Do you understand that?

17 DEFENDANT MARTINEZ-ROJAS: Yes.

18 THE COURT: It provides for a minimum  
19 supervised release term of five years, a maximum  
20 supervised release term of life. The supervised release  
21 would follow any term of imprisonment. If a condition of  
22 release were violated, you may be sentenced for up to  
23 life without credit for pre-release imprisonment or time  
24 previously served on post-release supervision.

25 And if you commit any criminal offense under

Proceedings

1 particular federal laws, which are Chapter 109(a), 110,  
2 117, or 18 United States Code Section 1201 or 1591, for  
3 which a term longer than one year of imprisonment can be  
4 imposed, you shall be sentenced to not less than five  
5 years and up to the maximum term of imprisonment for the  
6 offense as described in paragraph 1(a) which is life.

7 Do you understand those provisions?

8 DEFENDANT MARTINEZ-ROJAS: Yes.

9 THE COURT: The maximum fine is the greater of  
10 \$250,000 or twice the gross gain or twice the gross loss.

11 Do you understand that?

12 DEFENDANT MARTINEZ-ROJAS: Yes.

13 THE COURT: Restitution is mandatory in the  
14 full amount of each victim's losses as determined by the  
15 Court and you have to be charged \$100 special assessment.

16 Do you understand those provisions?

17 DEFENDANT MARTINEZ-ROJAS: Yes.

18 THE COURT: All right. As with the other  
19 counts, additional possible sentencing consequences  
20 include your removal from the United States as described  
21 in paragraph 8. I've asked you this before I want to  
22 make sure you understand it in connection with the  
23 Georgia indictment.

24 The offenses to which you are pleading guilty  
25 mean that your removal from the United States is

Proceedings

1 presumptively mandatory.

2 Do you understand that?

3 DEFENDANT MARTINEZ-ROJAS: Yes.

4 THE COURT: Despite the serious immigration  
5 consequences including your presumptive removal from the  
6 United States.

7 Do you still want to go ahead with your guilty  
8 plea?

9 DEFENDANT MARTINEZ-ROJAS: Yes.

10 THE COURT: All right. Other sentencing  
11 consequences include the sex offender registration  
12 pursuant to the Sex Offender Registration Notification  
13 Act which is described in paragraph 11 of your plea  
14 agreement.

15 Do you understand paragraph 11?

16 DEFENDANT MARTINEZ-ROJAS: Yes.

17 THE COURT: And are you in agreement with it?

18 DEFENDANT MARTINEZ-ROJAS: Yes.

19 THE COURT: And criminal forfeiture as set  
20 forth in paragraphs 6 and 7.

21 Do you understand paragraphs 6 and 7?

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: And are you in agreement with those  
24 paragraphs?

25 DEFENDANT MARTINEZ-ROJAS: Yes.

Proceedings

1 THE COURT: All right. This plea agreement --  
2 let me say that differently, sorry.

3 The sentence imposed on each count may run  
4 consecutively which means one sentence after another, not  
5 at the same time. Do you understand that?

6 DEFENDANT MARTINEZ-ROJAS: Yes.

7 THE COURT: Okay. All right. Let me just make  
8 sure you understand the Northern District of Georgia  
9 indictment, Count 1, if you decide to plead guilty to  
10 that, it includes a minimum term of imprisonment of 15  
11 years.

12 Do you understand that?

13 DEFENDANT MARTINEZ-ROJAS: Yes.

14 THE COURT: Okay. All right. I am going to --  
15 All right. Let me just take a one minute break,  
16 everybody. If you want to -- if the marshals are okay,  
17 just stretch for a minute. Do we have water there,  
18 Krista?

19 (Off the record.)

20 THE COURT: -- earlier, the district judge,  
21 Judge Korman is going to be the sentencing judge. The  
22 district judge or the sentencing judge does not have  
23 complete discretion to impose a sentence outside of the  
24 statutory minimum and maximum sentences set forth in the  
25 statute.



Proceedings

1           Each of the defendants, do you understand that,  
2 Mr. Rojas?

3           DEFENDANT F. ROJAS: Yes.

4           THE COURT: Mr. Martinez-Rojas?

5           DEFENDANT MARTINEZ-ROJAS: Yes.

6           THE COURT: All right. So each of the  
7 defendants said yes. Right? That was the translation?  
8 Actually, why don't -- for the interpreter, can we just  
9 move the microphone closer to you? Yes, thanks.

10           All right. In the sentencing process, as a  
11 first step, the judge must consider what are called the  
12 advisory sentencing guidelines which have been issued by  
13 the United States Sentencing Commission to determine  
14 what's a reasonable sentence in a criminal case.

15           As a second step, the judge must consider  
16 whether there are factors present that would allow the  
17 sentencing judge to depart from the advisory sentencing  
18 guidelines either upwardly or downwardly.

19           Additionally, the judge has to review the  
20 factors that are set forth in a particular federal  
21 statute which is 18 United States Code Section 3553(a).  
22 The judge compares those factors against all of the facts  
23 and circumstances of your particular case and it might be  
24 that the judge decides to impose a non-guideline  
25 sentence.

Proceedings

1 But the practical bottom line for you is until  
2 the date of sentencing, when the judge reviews the  
3 materials from today's proceeding, reviews a presentence  
4 report that will be prepared about you and hears from  
5 you, your lawyer and the government, you cannot know with  
6 certainty what the sentencing guidelines will be for your  
7 case or whether there will be grounds for the judge to  
8 depart from them. Or whether the judge will impose a  
9 non-guideline sentence.

10 Do you understand that?

11 DEFENDANT F. ROJAS: Yes.

12 DEFENDANT MARTINEZ-ROJAS: Yes.

13 THE COURT: All right. Each of you understand  
14 that.

15 THE COURT: And even though I am talking about  
16 the sentencing guidelines which we're going over and how  
17 the judge has some discretion, for each of you, it's  
18 proposed that you're going to plead guilty to counts that  
19 include a minimum term of imprisonment of fifteen years.

20 Do you understand that?

21 DEFENDANT F. ROJAS: Yes.

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: All right. So despite the  
24 uncertainty as to exactly what the guidelines will be  
25 when you get to your sentencing date, I am going to ask

Proceedings

1 the attorneys, first the government and then you're  
2 respective attorneys to give their best estimate as to  
3 what the sentencing guidelines are likely to say.

4 You should note that these estimates are based  
5 on the facts available to the lawyers at this time. So  
6 this is their best estimate but they could be wrong.

7 Do you understand? This is just their best  
8 estimate.

9 DEFENDANT F. ROJAS: Yes.

10 DEFENDANT MARTINEZ-ROJAS: Yes.

11 THE COURT: All right. Let's do Mr. Rojas  
12 first.

13 For the government, do you want to --

14 MS. MERKL: So starting with Mr. Felix Rojas,  
15 your Honor, the government's estimate as set forth in the  
16 plea agreement is that the guidelines will be  
17 approximately 324 to 405 months, assuming that the  
18 defendant falls within criminal history category one.

19 I would note that that estimate is based on the  
20 global disposition of the case, which the government does  
21 anticipate is going to happen. We have all the  
22 defendants in this case scheduled to plead by Thursday of  
23 this week.

24 So taking into consideration the two level  
25 reduction for a global disposition, the overall adjusted

Proceedings

1 offense level that we estimate at this time is 324 to 405  
2 months.

3 THE COURT: Okay. So just so the record is  
4 clear, paragraph 10 asks that or requires rather that all  
5 of the defendants plead before April 19th but given  
6 everyone's schedule, including the Court's, that Thursday  
7 is actually the 20th. Is that going to be an issue?

8 MS. MERKL: No, your Honor.

9 THE COURT: Okay. All right.

10 So, Ms. Newman, with regard to the sentencing  
11 guidelines as they apply to your client, what's your  
12 estimate?

13 MS. NEWMAN: Thank you, your Honor. We  
14 disagree with many of the enhancements that are contained  
15 in the government's estimation and as a result, our  
16 estimation is much lower. However, for these  
17 proceedings, so that my client is fully aware, that these  
18 could come to fruition, that the probation department and  
19 the Court could find the government's estimation correct.  
20 Rather than go through the various groupings, we simply  
21 say that we -- I have advised my client of the  
22 government's estimations, carefully reviewed with him the  
23 guidelines, our disagreements, the arguments we would  
24 make on his behalf with respect to the various  
25 enhancements.

Proceedings

1           And so he is aware of where we are going and  
2 whether it will succeed or not and that it is up to the  
3 Court ultimately to calculate the guidelines accurately.

4           THE COURT: All right. Mr. Rojas, did you  
5 understand what the government said with regard to the  
6 estimate they have for the sentencing guidelines?

7           DEFENDANT F. ROJAS: Yes. Yes, I understood.

8           THE COURT: All right. And do you understand  
9 that your attorney is offering a different view of what  
10 the guidelines may be in your case?

11          DEFENDANT F. ROJAS: Yes.

12          THE COURT: And do you understand that any  
13 disagreement as between the attorneys will not be decided  
14 until the judge, Judge Korman, makes a decision as to  
15 what the guidelines are for your case and decides what  
16 your sentence is going to be.

17                Do you understand that?

18          DEFENDANT F. ROJAS: Yes, I understand.

19          THE COURT: All right. And I know I keep going  
20 back to this but it's a very important point. Despite  
21 the fact that we're talking about the guidelines, do you  
22 understand that there's a mandatory minimum sentence of  
23 15 years?

24          DEFENDANT F. ROJAS: Yes, I understand.

25          THE COURT: All right. Let's go over Mr.

Proceedings

1 Martinez-Rojas, with regard to the sentencing guidelines.  
2 So for the government, these are outlined in his plea  
3 agreement, correct?

4 MS. MERKL: Correct, your Honor. The  
5 government's current estimate of the guidelines is set  
6 forth in pages 5, 6 and 7 of the plea agreement for Mr.  
7 Severiano Martinez-Rojas and based on the totality of the  
8 facts as we understand them right now, we estimate a  
9 total adjusted offense level of 38, which carries a range  
10 of imprisonment of 235 to 293 months, assuming that the  
11 defendant falls within criminal history category one.

12 As with Mr. Rojas, Mr. Martinez-Rojas' estimate  
13 is based on a two level reduction for the global  
14 disposition and as I noted previously, we do expect that  
15 to come to fruition because all of the defendants are  
16 currently scheduled to plead guilty by this Thursday.

17 THE COURT: All right. And just so the record  
18 is clear, I believe this agreement also includes the  
19 April 19th date, correct?

20 MS. MERKL: Correct.

21 THE COURT: All right. And as things are  
22 scheduled now, these pleas will be completed by the 20th.  
23 Is that going to be an issue?

24 MS. MERKL: No, your Honor.

25 THE COURT: Okay. All right. Mr. Wallenstein,

Proceedings

1 your estimate with regard to the sentencing guidelines as  
2 they apply to Mr. Martinez-Rojas?

3 MR. WALLENSTEIN: Well, your Honor, as Ms.  
4 Newman said, we disagree with a number of the  
5 enhancements. However, we do recognize that the  
6 government's estimate is what it is and I certainly  
7 acknowledge that we have agreed in the plea agreement  
8 that that is the government's estimate and there is, of  
9 course, an appellate waiver which more than encompasses  
10 the government's estimate of the guidelines and my client  
11 also recognizes that there are mandatory minimum terms  
12 here.

13 THE COURT: Okay. Just to note for the record,  
14 we changed Spanish interpreters again. Can you just  
15 state your name?

16 THE INTERPRETER: Rosa Olivera.

17 THE COURT: All right. Welcome back.

18 All right. So, Mr. Martinez-Rojas, did you  
19 understand what the government's attorney said with  
20 regard to the estimate they have for the sentencing  
21 guidelines?

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: All right. And do you understand  
24 what your attorney said which is in sum, that he had some  
25 disagreements with the government's position.

Proceedings

1 DEFENDANT MARTINEZ-ROJAS: Yes.

2 THE COURT: All right. And do you understand  
3 that until the date of sentencing, when the judge has  
4 reviewed all of these materials and heard from everyone,  
5 you can't know what the sentencing guidelines will be for  
6 your case or what your sentence will be?

7 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.

8 THE COURT: All right. And despite that  
9 uncertainty, do you want to go ahead with your proposed  
10 guilty plea?

11 DEFENDANT MARTINEZ-ROJAS: Yes.

12 THE COURT: And as I said to your co-defendant,  
13 Mr. Rojas, is that we're talking about the discretion  
14 that the judge has with regard to the sentencing  
15 guidelines and the sentencing process two of the counts  
16 to which it's proposed that you're going to plead guilty,  
17 Count 19 of the Eastern District of New York indictment  
18 and Count 1 of the Northern District of Georgia  
19 indictment, each contains a minimum term of imprisonment  
20 of 15 years.

21 Do you understand that?

22 DEFENDANT MARTINEZ-ROJAS: Yes.

23 THE COURT: And it's also possible that the  
24 sentence imposed may run consecutively.

25 Do you understand that?



Proceedings

1 DEFENDANT MARTINEZ-ROJAS: Yes.

2 THE COURT: All right. So for each of the  
3 defendants, do you understand that if the government's  
4 estimates or your attorney's estimates are wrong, you  
5 will not be permitted to withdraw your plea of guilty  
6 because of those errors? All right. Mr. --

7 DEFENDANT F. ROJAS: Yes, of course.

8 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.

9 THE COURT: Okay. And that's the same actually  
10 that's -- these questions now are for each of the  
11 defendants. So, Mr. Rojas, do you also understand that  
12 even if the lawyers estimates are wrong, you would not be  
13 permitted to withdraw your plea of guilty on that basis?

14 DEFENDANT F. ROJAS: Yes, I understand.

15 THE COURT: All right. For each of the  
16 defendants, do you understand that your ultimate sentence  
17 could turn out to be different from any estimate -- any  
18 of these attorneys, the government, or your respective  
19 attorneys have given you? All right. Mr. Rojas, do you  
20 understand?

21 DEFENDANT F. ROJAS: Yes, I understand.

22 THE COURT: And Mr. Martinez-Rojas?

23 DEFENDANT MARTINEZ-ROJAS: Yes.

24 THE COURT: So it could turn out that because  
25 of other statutory sentencing factors, Judge Korman

Proceedings

1 decides to impose a sentence even higher than the one  
2 called for by the advisory sentencing guidelines. If  
3 that turns out to be the case, you would not be permitted  
4 to withdraw your guilty plea simply because no one could  
5 tell you in advance what your sentence should be.

6 Do you understand that?

7 DEFENDANT F. ROJAS: Yes, I understand.

8 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.

9 THE COURT: All right. So for each of you,  
10 we've gone over your respective plea agreements in some  
11 detail and focused and discussed some paragraphs in more  
12 detail than others but I am going to ask you about the  
13 entire agreement. Does each of you fully understand your  
14 respective plea agreement with the government?

15 DEFENDANT F. ROJAS: Yes.

16 DEFENDANT MARTINEZ-ROJAS: Yes.

17 THE COURT: All right. And did each of you  
18 have an adequate opportunity to review the plea agreement  
19 with your attorney?

20 DEFENDANT F. ROJAS: Yes.

21 DEFENDANT MARTINEZ-ROJAS: Yes.

22 THE COURT: All right. And for each of you,  
23 those agreements were translated into Spanish, correct?

24 DEFENDANT F. ROJAS: Yes.

25 DEFENDANT MARTINEZ-ROJAS: Yes.

Proceedings

1 THE COURT: All right. And so for each of you,  
2 do you wish to go ahead with the plea agreement that you  
3 have with the government? Mr. Rojas?

4 DEFENDANT F. ROJAS: Yes.

5 THE COURT: All right. Mr. Martinez-Rojas?

6 DEFENDANT MARTINEZ-ROJAS: Yes.

7 THE COURT: All right. So for each of you, I  
8 am going to tell you a small point about your rights, if  
9 you have these rights in the United States at all.  
10 What's being proposed is that you're pleading guilty to a  
11 felony or felonies and if your plea is accepted and  
12 you're adjudged guilty of those felonies, that  
13 adjudication could result in the deprivation of certain  
14 civil rights.

15 Some of those civil rights are only available  
16 to citizens which is my understanding, that you're not  
17 citizens of the United States but I want you to  
18 understand to the extent you do have certain rights in  
19 the United States, being adjudicated guilty of a felony  
20 may result in a limitation on those rights.

21 Do you understand?

22 DEFENDANT F. ROJAS: Yes, I understand.

23 DEFENDANT MARTINEZ-ROJAS: Yes, I understand.

24 THE COURT: All right. So I have gone over  
25 many of the possible consequences to you if your plea of

Proceedings

1 guilty is accepted.

2 Does each of you understand the possible  
3 consequences that I have gone over?

4 DEFENDANT F. ROJAS: Yes.

5 DEFENDANT MARTINEZ-ROJAS: Yes.

6 THE COURT: All right. And have you reviewed  
7 all of these possible consequences with your respective  
8 attorneys? Mr. Rojas?

9 DEFENDANT F. ROJAS: Yes.

10 DEFENDANT MARTINEZ-ROJAS: Yes.

11 THE COURT: All right. Mr. Martinez-Rojas?

12 DEFENDANT MARTINEZ-ROJAS: Yes.

13 THE COURT: All right. And did you have a  
14 sufficient opportunity to consult with your attorney  
15 about them?

16 DEFENDANT F. ROJAS: Yes.

17 DEFENDANT MARTINEZ-ROJAS: Yes.

18 THE COURT: All right. I am going to switch my  
19 questions to the government's attorneys. It's up to you  
20 if you want to tell me about your answers to the  
21 questions as to each case or together. So is the  
22 government -- let me ask it a little differently.

23 The elements of each of the claimed -- or  
24 charges to which the defendants are proposed to plead  
25 guilty are set forth in the submission that you have

Proceedings

1 statutes and essential elements.

2 MS. LEE: Yes, your Honor.

3 THE COURT: Okay. And for each defendant is  
4 the government prepared to prove at trial all of the  
5 elements of each of the counts against the defendant?

6 MS. MERKL: Yes, your Honor.

7 THE COURT: All right. I am going to ask you  
8 what is the evidence the government would offer at trial?  
9 Do you want to answer that together, as least on the EDNY  
10 indictment or do you want to do it separately?

11 MS. LEE: I could answer it together including  
12 the Georgia indictment.

13 THE COURT: Georgia, okay.

14 MS. LEE: And I just note actually for the  
15 record that while we've been sitting here, the Georgia  
16 case was officially transferred on ECF.

17 THE COURT: Okay.

18 MS. LEE: And it now has an EDNY docket number,  
19 and that's 17-cr-208.

20 And with respect to all of the charges set  
21 forth in the plea agreement, the government would prove  
22 at trial through witness testimony, including the victims  
23 that are set forth in the indictment, and border crossing  
24 records, wire transfer records, wiretap evidence, as well  
25 as other documentary evidence, that in or about and

## Proceedings

1 between December 2004 and November 2015, in Queens, New  
2 York, the Rendon-Reyes trafficking organization was a  
3 criminal organization that operated in Queens, Atlant,  
4 Jefferson, Alabama, Mexico and other locations throughout  
5 the United States and that members and associates of the  
6 Rendon-Reyes trafficking organization were engaged in  
7 various forms of criminal activity, including but not  
8 limited to sex trafficking of women and minor girls,  
9 prostitution, alien smuggling, alien harboring, and money  
10 laundering. That the enterprise trafficked women from  
11 Mexico into the United States and throughout the country,  
12 for the purpose of prostitution for their financial gain.

13 And then each of these defendants conducted or  
14 participated in the conduct of this organization. With  
15 respect to Mr. Martinez-Rojas, he engaged in the sex  
16 trafficking of Jane Does 1, 3, 6, 7, 9, as well as the  
17 victim in the Georgia indictment, FBF. Those individuals  
18 through fraud, force and coercion were brought into the  
19 United States for the purposes of prostitution, as well  
20 as the victims, MSJ, and SAM, which are also set forth in  
21 the Georgia indictment.

22 With respect to Mr. Felix Rojas, as  
23 Racketeering Acts and also as set forth in the counts  
24 including the substantive Count 17 that he is pleading  
25 guilty to, he through force, fraud and coercion, caused

Proceedings

1 both the Jane Does 6, and 9 to be brought from Mexico  
2 into the United States for the purpose of the  
3 prostitution.

4 THE COURT: Okay.

5 MS. LEE: Oh, sorry, 6 and 8.

6 THE COURT: 6 and 8, right. So, 6 is in  
7 Racketeering Act 8(a), Count 17 and 8 is in Racketeering  
8 Act 10(a) and Count 21, is that correct?

9 MS. MERKL: That's correct. Thank you.

10 THE COURT: All right. So Ms. Newman, with  
11 regard to Mr. Rojas, do you agree the government would be  
12 able to prove his defense -- sorry, the government be  
13 able to prove his guilt at trial based on the evidence  
14 just described by the government?

15 MS. NEWMAN: Yes, based on the evidence that  
16 was provided to us in discovery. Yes.

17 THE COURT: So that's the same as generally  
18 what the government just described?

19 MS. NEWMAN: Yes.

20 THE COURT: Okay. Do you know of any reason  
21 why Mr. Rojas should not plead guilty?

22 MS. NEWMAN: No, I do not.

23 THE COURT: Are you aware of any viable legal  
24 defense to the charges?

25 MS. NEWMAN: No, I do not.

Proceedings

1 THE COURT: Okay. All right. In your opinion,  
2 is this proposed plea in your client's best interest?

3 MS. NEWMAN: Yes, it is.

4 THE COURT: Okay. All right. Mr. Wallenstein,  
5 with regard to Mr. Martinez-Rojas, do you agree the  
6 government would be able to prove his guilt at trial  
7 based on the evidence described by the government?

8 MR. WALLENSTEIN: Yes, your Honor. Based on  
9 Ms. Lee's description today and based upon the discovery  
10 that I have received and reviewed and reviewed with my  
11 client.

12 THE COURT: Okay. And do you know of any reason  
13 why Mr. Martinez-Rojas should not plead guilty?

14 MR. WALLENSTEIN: No, your Honor.

15 THE COURT: Are you aware of any viable legal  
16 defense to the charges?

17 MR. WALLENSTEIN: No, your Honor.

18 THE COURT: And in your opinion, is this plea  
19 in your client's best interest?

20 MR. WALLENSTEIN: Yes, it is.

21 THE COURT: All right. So for each of the  
22 defendants, as I said earlier, I am going to ask you how  
23 you plea and it's up to you to let me know if you want to  
24 plead guilty or not guilty but if you plead guilty, I am  
25 going to ask you what it is that you did such that you



Proceedings

1 are, in fact, guilty of the charges to which you're  
2 pleading guilty.

3 All right. So for each of the defendants, do  
4 you need an opportunity to speak with your attorney at  
5 this time?

6 DEFENDANT F. ROJAS: No.

7 DEFENDANT MARTINEZ-ROJAS: No.

8 THE COURT: All right. So for each of the  
9 defendants, are you ready to plead?

10 DEFENDANT F. ROJAS: Yes.

11 DEFENDANT MARTINEZ-ROJAS: Yes.

12 THE COURT: All right. We're going to start  
13 with Mr. Felix Rojas. So with regard to Count 1 of the  
14 indictment, how do you plead, guilty or not guilty?

15 DEFENDANT F. ROJAS: Yes.

16 THE COURT: No, you have to pick. It's either  
17 guilty or not guilty, which do you pick?

18 DEFENDANT F. ROJAS: Guilty.

19 THE COURT: All right. So is it correct you  
20 plead guilty to Count 1 of the indictment?

21 DEFENDANT F. ROJAS: Yes.

22 THE COURT: All right. With regard to Count 17  
23 of the superseding indictment, how do you plead, guilty  
24 or not guilty?

25 DEFENDANT F. ROJAS: Guilty.

## Proceedings

1 THE COURT: All right. So as I said, you're  
2 going to have to tell me what it is that you did such  
3 that you are, in fact, guilty of those two counts.

4 DEFENDANT F. ROJAS: Between 2008 and 2012, I  
5 was a party to a business, a family business in Mexico  
6 which brought women through the border with Mexico to the  
7 United States with the purpose of making them prostitutes  
8 -- for the purpose of prostituting them. The business  
9 made money making off of the prostitution of the women in  
10 the United States because they paid a percentage of the  
11 monies they earned -- the money they earned in their  
12 illegal activity.

13 The women who worked for us worked as  
14 prostitutes in the United States, including Queens in New  
15 York. I helped in surreptitiously bringing Jane Doe 6  
16 and 8 through the border between the two countries for  
17 the purpose of prostituting them.

18 In order to convince these women to work as  
19 prostitutes in the United States, myself and other people  
20 made them false promises. I helped to manage, to  
21 supervise prostitution in the United States and I  
22 received part of the monies that were earned through  
23 prostitution.

24 I knew that it was illegal to help transport  
25 the women -- to transport the alien women to the United

Proceedings

1 States and I knew that prostitution was illegal in the  
2 United States.

3 THE COURT: All right. When you said the  
4 "family business," that's the Rendon-Reyes family?

5 DEFENDANT F. ROJAS: Yes.

6 THE COURT: All right. Ms. Newman, is there  
7 anything else you would like your client to add to that  
8 allocution?

9 MS. NEWMAN: No, your Honor.

10 THE COURT: For the government, was that a  
11 satisfactory allocution?

12 MS. MERKL: Yes, your Honor.

13 THE COURT: All right. Let me ask you a few  
14 questions, Mr. Rojas.

15 Are you pleading guilty to Count 1 and Count 17  
16 of the supervised release voluntarily and of your own  
17 free will?

18 DEFENDANT F. ROJAS: Yes.

19 THE COURT: Has anyone threatened or forced you  
20 to plead guilty?

21 DEFENDANT F. ROJAS: No.

22 THE COURT: Other than the promises that are  
23 contained in the written agreement, which is marked as  
24 Court Exhibit 4 that you entered into with the  
25 government, has anyone made any other promises to you to

Proceedings

1 induce you to plead guilty?

2 DEFENDANT F. ROJAS: No.

3 THE COURT: Has anyone made any promises to you  
4 as to what your final sentence will be?

5 DEFENDANT F. ROJAS: No.

6 THE COURT: Are you pleading guilty of your own  
7 free will because you are, in fact, guilty of Count 1 and  
8 Count 17 of the superseding indictment?

9 DEFENDANT F. ROJAS: Yes.

10 THE COURT: Okay. All right. Mr. Martinez-  
11 Rojas, are you ready to plead?

12 DEFENDANT F. ROJAS: Yes.

13 THE COURT: All right. First with regard to  
14 Count 1 of the Eastern District of New York indictment,  
15 how do you plead guilty or not guilty?

16 DEFENDANT MARTINEZ-ROJAS: I am guilty.

17 THE COURT: Okay. With regard to Count 19 of  
18 the Eastern District of New York indictment, how do you  
19 plead, guilty or not guilty?

20 DEFENDANT MARTINEZ-ROJAS: Guilty.

21 THE COURT: All right. And with regard to  
22 Count 1 of the charge in the indictment from the Northern  
23 District of Georgia which was known as case number 13-cr-  
24 128 and now has an Eastern District of New York number,  
25 17-cr-208, how do you plead, guilty or not guilty?

Proceedings

1 DEFENDANT MARTINEZ-ROJAS: Guilty.

2 THE COURT: All right. So as I said earlier, I  
3 am going to ask you what it is that you did such that you  
4 are, in fact, guilty of Counts 1 and 19 of the Eastern  
5 District of New York indictment and Count 1 of the  
6 Northern District of Georgia indictment.

7 DEFENDANT MARTINEZ-ROJAS: Between December of  
8 2004 and November of 2015, along with other members of my  
9 family, I participated in bringing a girl and women from  
10 Mexico to the United States.

11 Once in the United States, Georgia, New York  
12 and other places, these girls worked as prostitutes. My  
13 co-defendants and I benefitted from their activities  
14 because we took the money that the women earned through  
15 prostitution.

16 As part of the family business, the business  
17 with my family, and I participated in the prostitution of  
18 women, T-H-E J-A-N-E D-O-E 1, 3 --

19 THE COURT: I'm sorry, say it one more time?

20 DEFENDANT MARTINEZ-ROJAS: -- 6 and 7.

21 THE COURT: Can you say those names -- hang on.  
22 Hold on.

23 DEFENDANT MARTINEZ-ROJAS: -- and 9 in New  
24 York.

25 THE COURT: Sorry, say the identifying names

Proceedings

1 again?

2 MR. WALLENSTEIN: It was Jane Doe and numbers,  
3 Judge.

4 THE COURT: I just want the record to be clear.  
5 I couldn't understand it.

6 MS. MERKL: He spelled it out, your Honor.

7 DEFENDANT MARTINEZ-ROJAS: As part of the  
8 family business and I participated in the trafficking of  
9 women in Jane D-O-E, 3 -- I mean, 1, 3, 6, 7, and 9 in  
10 New York.

11 THE COURT: Okay. Thank you. Continue.

12 DEFENDANT MARTINEZ-ROJAS: In Georgia, I  
13 participated in the trafficking of M-S-G -- J, and S-M-A.

14 THE COURT: S-A-M or S-M-A?

15 MR. WALLENSTEIN: S-A.

16 DEFENDANT MARTINEZ-ROJAS: S-M-A.

17 MR. WALLENSTEIN: No.

18 THE COURT: Do you want to take a look at the  
19 indictment?

20 DEFENDANT MARTINEZ-ROJAS: S-A-M.

21 THE COURT: Okay. Continue.

22 DEFENDANT MARTINEZ-ROJAS: I was able to do  
23 this because I made false promises in order to get them  
24 to become prostitutes.

25 THE COURT: All right. And again, the family

Proceedings

1 enterprise is the Rendon-Reyes family, is that correct?

2 DEFENDANT MARTINEZ-ROJAS: Yes.

3 THE COURT: All right. Mr. Wallenstein, would  
4 you like your client to add anything else to the record  
5 with regard to his allocution?

6 MR. WALLENSTEIN: No, your Honor, I believe  
7 that's sufficient.

8 THE COURT: All right. For the government, is  
9 that a sufficient allocution?

10 MS. MERKL: Your Honor, I believe that one  
11 victim was not included and that's the subject of Count 1  
12 of the Georgia indictment which is FBF.

13 THE COURT: Hang on one second. The plea  
14 agreement?

15 MS. MERKL: Your Honor, the plea agreement  
16 states that he plans to plead guilty to Count 1 and admit  
17 his participation in the trafficking of the others who he  
18 is not pleading guilty to.

19 THE COURT: Okay.

20 MS. MERKL: So to the extent that we failed to  
21 include FBF specifically by her initials in that  
22 recitation does not -- that's not the end all, be all of  
23 what he is pleading guilty to. He's supposed to be  
24 pleading guilty to Count 1 which is the trafficking of  
25 FBF.

Proceedings

1 THE COURT: Okay.

2 MS. MERKL: And she is specified on page 6 of  
3 the plea agreement by initials.

4 THE COURT: The middle of the page?

5 MS. MERKL: Correct.

6 DEFENDANT MARTINEZ-ROJAS: Yes.

7 THE COURT: All right. Mr. Wallenstein, any  
8 issue?

9 MR. WALLENSTEIN: No, your Honor. I think it's  
10 my error when I wrote out the allocution --

11 THE COURT: Okay.

12 MR. WALLENSTEIN: I eliminated that  
13 accidentally. So I have no problem with the amendment  
14 and not since my client just admitted it, we have  
15 everything we need.

16 THE COURT: Okay. Let me just confirm that.  
17 Okay. So was one -- this is for Mr. Martinez-Rojas, was  
18 one of the women trafficked a woman noted in Count 1 of  
19 the Georgia indictment as FBF?

20 DEFENDANT MARTINEZ-ROJAS: Yes.

21 THE COURT: And also you mentioned Jane Doe 3,  
22 was she a minor?

23 DEFENDANT MARTINEZ-ROJAS: Yes.

24 THE COURT: Okay. All right. Anything else for  
25 the government or was that a sufficient allocution?



Proceedings

1 MS. MERKL: That's sufficient. Thank you, your  
2 Honor.

3 THE COURT: All right. Let me ask you a few  
4 questions, Mr. Martinez-Rojas. Are you pleading guilty  
5 voluntarily and of your own free will to Counts 1 and 19  
6 of the Eastern District of New York indictment and Count  
7 1 of the Northern District of Georgia indictment?

8 DEFENDANT MARTINEZ-ROJAS: Yes.

9 THE COURT: Has anyone threatened or forced you  
10 to plead guilty?

11 DEFENDANT MARTINEZ-ROJAS: No.

12 THE COURT: Other than the promises contained  
13 in the written agreement which is Government's Exhibit 5  
14 that you have entered into with the government, has  
15 anyone made any other promises to you to induce you to  
16 plead guilty?

17 DEFENDANT MARTINEZ-ROJAS: No.

18 THE COURT: Has anyone made any promise to you  
19 as to what your final sentence will be?

20 DEFENDANT MARTINEZ-ROJAS: No.

21 THE COURT: Are you pleading guilty of your own  
22 free will because you are, in fact, guilty?

23 DEFENDANT MARTINEZ-ROJAS: Yes.

24 THE COURT: All right. I am not sure if I  
25 asked this question for Mr. Rojas. Has anyone made any

## Proceedings

1 promise to you as to what your final sentence will be?

2 DEFENDANT F. ROJAS: No.

3 THE COURT: Okay. So as to each of the  
4 defendants, I am going to make the recommendation. So  
5 with regard to Mr. Felix Rojas, based on the information  
6 given to me, I find that Mr. Felix Rojas is fully  
7 competent, that he is capable of entering an informed  
8 plea. That he is acting voluntarily, that he is aware of  
9 the nature of the charges against him, that he  
10 understands his rights, that he understands the  
11 consequences of his plea and that there's a factual basis  
12 for the plea supported by an independent basis in fact as  
13 to each of the essential elements of the offenses for  
14 Count 1 and Count 17 of the superseding indictment in the  
15 New York case.

16 So, I therefore recommend that the district  
17 judge, Judge Korman, accept Mr. Felix Rojas' plea of  
18 guilty to Counts 1 and Counts 17 of the indictment.

19 So with regard to Mr. Martinez-Rojas, based  
20 again on the information given to me, I find that Mr.  
21 Martinez-Rojas is fully competent, that he is capable of  
22 entering an informed plea. That he is acting  
23 voluntarily, that Mr. Martinez-Rojas is aware of the  
24 nature of the charges against him, that he understands  
25 his rights, that he understands the consequences of his

Proceedings

1 guilty plea and that there's a factual basis for the plea  
2 supported by an independent basis in fact as to each of  
3 the essential elements of the offenses.

4           So, I therefore recommend that the district  
5 judge, Judge Korman, accept Mr. Martinez-Rojas' plea of  
6 guilty to Counts 1 and Counts 19 of the Eastern District  
7 of New York indictment, as well as to Count 1 of the  
8 Northern District of Georgia indictment.

9           All right. So we don't have a sentencing date  
10 yet but as I mentioned, a presentence report will be  
11 prepared as to each defendant. So let me ask, Ms.  
12 Newman, would you like to be part of that interview  
13 process with probation?

14           MS. NEWMAN: Yes, I would thank you.

15           THE COURT: All right. We'll let probation  
16 know.

17           And then Mr. Wallenstein, with regard to your  
18 client would you like to be part of that process?

19           MR. WALLENSTEIN: I will absolutely be there.

20           THE COURT: All right. So we'll let probation  
21 know that.

22           I assume your clients are going to continue in  
23 custody, is that correct?

24           MS. NEWMAN: That is correct.

25           THE COURT: Are there any medical issues that

Proceedings

1 need attention?

2 MS. NEWMAN: Not that I know of, no. And I've  
3 asked him each time I have met with him, so no.

4 THE COURT: All right. So for Mr. Martinez-  
5 Rojas, any medical issues?

6 MR. WALLENSTEIN: No, your Honor.

7 THE COURT: All right. I'm going to return to  
8 the government, Government's Exhibits 4 and 5 which are  
9 the original plea agreements.

10 Anything else that we need on the record here?

11 MR. WALLENSTEIN: Judge, just one thing, since  
12 I expect it will be several months until we actually get  
13 to sentencing, would you authorize us to obtain the  
14 transcript of today's proceedings?

15 THE COURT: Yes.

16 MR. WALLENSTEIN: I know it has to be done  
17 through e-voucher but I think we need your authorization  
18 first.

19 THE COURT: We order it. It will be on the  
20 docket, yes.

21 THE CLERK: ECF.

22 THE COURT: Yes.

23 MR. WALLENSTEIN: I understand that but we  
24 can't get it off the docket until several months down the  
25 road. We can order it through e-voucher initially once

Proceedings

1 it's ordered, but we need the Court's authorization.

2 THE COURT: I don't usually get those requests.  
3 Do you usually make it to the magistrate judge or do you  
4 do it to the district judge?

5 MR. WALLENSTEIN: I make it to anybody who has  
6 got the power to get me the transcript.

7 THE COURT: Yes.

8 MR. WALLENSTEIN: If you want, I'll write to  
9 Judge --

10 THE COURT: No, no, you need the transcript.  
11 So we're going to order it. Once it's available, then  
12 you can --

13 MR. WALLENSTEIN: And then I think it's --

14 THE COURT: -- get a copy.

15 MR. WALLENSTEIN: -- not a problem. Once the  
16 Court orders it, I think they'll automatically get us  
17 copies anyway.

18 THE COURT: Okay. We'll order it right after  
19 this.

20 Other issues?

21 MR. WALLENSTEIN: That's it.

22 THE COURT: No. All right. I am just going to  
23 -- for the government, we have the rest of them -- the  
24 others lined up, as you mentioned?

25 MS. MERKL: Yes, on Thursday, your Honor. I

Proceedings

1 believe we have a defendant at 1 o'clock, 2 o'clock and 3  
2 o'clock.

3 THE COURT: All right. I would ask if you  
4 consider whether any of those could happen at the same  
5 time. You don't need to give me an answer now but  
6 obviously no matter how hard I try, it still takes a long  
7 time to go through with the translator and the size of  
8 this case.

9 So if any of those folks can be done at the  
10 same time, if it can be, if you can let my deputy know,  
11 then obviously the marshals in terms of the production.  
12 If it can't we'll just, you know, go through it.

13 MS. MERKL: We'll look at that, Judge, and also  
14 determine whether defense counsel's schedules permit  
15 that.

16 THE COURT: Okay.

17 MS. MERKL: Thank you.

18 THE COURT: All right. Thanks everyone. Take  
19 care.

20 MR. WALLENSTEIN: Thanks, Judge.

21 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 29th day of May, 2017.

  
Linda Ferrara

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